gan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEALL of Texas: Paper to accompany bill for relief of estate of John H. Bussell—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of East Whiteland Presbyterian Church and the Missionary Society of the Presbyterian Church of Honeybrook, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of the Commercial, Meyersdale, Pa., for an amendment to the postal laws making legitimate all subscriptions by others than the recipients of the paper—to the Committee on the Post-Office and Post-Roads.

Also, petition of William L. Newcomer, master of Grange No. 785, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Petition of T. Morgan Silvery, of Wilkensburg, Pa., for an amendment to the postal laws making legitimate all subscriptions paid for by others than the recipients—to the Committee on the Post-Office and Post-Roads.

By Mr. DAVIS of West Virginia: Paper to accompany bill for relief of James H. Hooe—to the Committee on War Claims.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Mary W. Humphrey—to the Committee on Pensions.

By Mr. GRANGER: Petition of the Rhode Island Chapter of the American Institute of Architects, for forest reservations in the White Mountains and the Southern Appalachian Mountains (previously referred to the Committee on Rivers and Harbors)—to the Committee on Agriculture.

By Mr. HEDGE: Petition of the Louisa County (Iowa) Sabbath School Convention, against Sunday opening of the Jamestown Exposition—to the Select Committee on Industrial Arts and Expositions.

By Mr. HOWELL of New Jersey: Petition of George G. Worthley, of Matawan, N. J., for the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. F. Hagaman, of Lakewood, N. J.; E. H. Woolston, of Ocean Grove, N. J., and P. Hall Packer, of the Sea Bright News, for an amendment to the postal laws making legitimate all subscriptions paid for by others than the recipients of newspapers—to the Committee on the Post-Office and Post-Roads.

By Mr. JOHNSON: Paper to accompany bill for relief of Larsey Bolt—to the Committee on Pensions.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of Columbus Cot—to the Committee on Pensions.

By Mr. LESTER: Paper to accompany bill for relief of William A. Baggs—to the Committee on War Claims.

By Mr. LEVER: Paper to accompany bill for relief of Susan M. Osborn—to the Committee on Pensions.

Also, paper to accompany bill for relief of Sarah C. A. Scott—to the Committee on Pensions.

By Mr. LINDSAY: Petition of R. J. Caldwell, of the American Civic Association, for a forest reservation of the Southern Appalachian Mountains—to the Committee on Agriculture.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Sarah Louisa Sheppard—to the Committee on Pensions.

By Mr. SMITH of Maryland: Resolution of the board of directors of the Maryland Penitentiary, against the pending legislation to restrict interstate transportaion of prison-made goods—to the Committee on Interstate and Foreign Commerce.

Also, paper to accompany bill for relief of Littleton D. Davis—to the Committee on Invalid Pensions.

Also, petitions of Stewart & Jarrell, of Hillsboro; J. R. Travers, of Nanticoke; J. B. Andrews & Co., Wright & Carter, and O. R. Wright & Co., of Harlock; C. A. Dashiel, of Princess Anne County; Zorah H. Brinsfield, of Eldorado; W. T. Tryer, of Colora; L. S. Fleckenstein, of Easton; Robert M. Messick, of Bethlehem; Milton L. Veasey, of Pocomoke City; W. A. Kirby, of Trappe; Wilson & Merrick, of Ingleside; S. Frank Dashiell, of Dames Quarter; M. L. Weaver, of Greensboro; W. F. Messick, of Allen; Otis M. Hignutt, of Williston; Walter W. Wright & Co., of Choptank; J. W. S. Webb, of Vienna; H. Nulite, of Andersontown; A. Phillips & Co., L. B. Phillips & Co., and the Phillips Packing Company, of Cambridge; L. A. Insley & Bros., of Wingate; Harry A. Roe, of Denton; T. E. Spedden & Co., of James; N. H. Fooks & Co., J. Frank Lednum, R. I. Lednum, and Dennis & Carroll, of Preston, all in Maryland, for an amendment to the pure-food bill to exempt canned goods from being stamped in terms of weight and measure—to the Committee on Interstate and Foreign Commerce.

By Mr. TALBOTT: Petitions of Washington Camps Nos. 45 and 16, of Baltimore; No. 5, of Westminster; No. 12, of Unionville; No. 39, of Harney; No. 10, of Tyrone, and Nos. 23 and 27, of Baltimore, Patriotic Order Sons of America, all in Maryland, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *May 10, 1906.*

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

TRADE CONDITIONS IN CUBA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper, special agent of the Department of Commerce and Labor, on trade conditions in the island of Cuba; which, with the accompanying paper, was referred to the Committee on Relations with Cuba, and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relative to the vessel brig *Rebecca*, John B. Thurston, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

S. 1975. An act granting an increase of pension to Mary E. Dugger;

S. 2140. An act to authorize the Postmaster-General to dispose of useless papers in post-offices;

S. 2801. An act to withhold from sale a portion of Fort Brady Military Reservation, at Sault Ste. Marie, Mich.;

S. 3436. An act to provide for the settlement of a claim of the United States against the State of Michigan for moneys held by said State as trustee for the United States in connection with the St. Marys Falls Ship Canal;

S. 3522. An act to amend an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January 27, 1905;

S. 5203. An act granting to the Chicago, Milwaukee, and St. Paul Railway Company, of Montana, a right of way through the Fort Keogh Military Reservation, in Montana, and for other purposes;

S. 5537. An act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska;

S. 5572. An act to amend section 4348 of the Revised Statutes, establishing great coasting districts of the United States;

S. 5683. An act to provide for the removal of derelicts and other floating dangers to navigation;

S. 5890. An act to authorize the South and Western Railroad Company to construct bridges across the Clinch River and Halston River, in the States of Virginia and Tennessee;

S. 5891. An act to authorize the South and Western Railway Company to construct bridges across the Clinch River and the Halston River, in the States of Virginia and Tennessee; and

S. 5943. An act to authorize the Minnesota, Dakota and Pacific Railway Company to construct a bridge across the Missouri River.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the American Scenic and Historic Society, of New York City, N. Y., praying that an appropriation be made for the erection of a monument to Maj. John Wesley Powell, the explorer, and his companions, at some place near the Grand Canyon of the Colorado River, in Arizona; which was referred to the Committee on the Library.

He also presented a petition of the Council of Jewish Women of Chicago, Ill., praying that an appropriation be made for a

scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. NELSON presented a petition of Local Union No. 106, Brotherhood of Painters, Decorators, and Paper Hangers of America, of Duluth, Minn., and a petition of sundry citizens of Milroy, Minn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

Mr. KEAN presented petitions of sundry citizens of Lakewood, Sea Bright, Clinton, Ocean Grove, Camden, and Trenton, all in the State of New Jersey, praying for the adoption of a certain amendment to the postal laws relative to newspaper publications; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Harry C. Runjin, of Plainfield, N. J., praying for the enactment of legislation to restrict immigation; which was referred to the Committee on Immigration.

He also presented the memorial of Mrs. R. W. Smith, of Spring Lake, N. J., remonstrating against the enactment of legislation to transfer from the Bureau of Education the education and care of the Indians and Eskimos of Alaska to the governor of that Territory; which was referred to the Committee on Territories.

He also presented sundry petitions of citizens of Montclair, N. J., praying for the enactment of legislation to establish a children's bureau in the Department of the Interior; which were referred to the Committee on Education and Labor.

Mr. BURNHAM presented petitions of Rev. George L. Mason and George A. Sanborn, of Rochester, and of the Granite State Automobile Club, of Manchester, in the State of New Hampshire, and of Jackson Demory, of Ithaca, N. Y., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Monday Club of Rochester, N. H., praying that an appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

He also presented the petition of John Sebastian, passenger traffic manager of the Rock Island Railroad system, of Chicago, Ill., praying for the enactment of legislation to authorize the Secretary of Agriculture to investigate systems of farm management, and making appropriations therefor, and for other purposes; which was referred to the Committee on Agriculture and Forestry.

Mr. BURKETT presented sundry papers to accompany the bill (S. 5966) granting an increase of pension to C. C. Davis; which were referred to the Committee on Pensions.

Mr. HOPKINS. I present a protest against an amendment which was adopted yesterday on the rate bill, and I ask that it be read.

The VICE-PRESIDENT. The Senator from Illinois asks for the reading of a dispatch which he sends to the desk. Without objection, the Secretary will read it.

The Secretary read as follows:

[Telegram.]

PEORIA, ILL., *May 10, 1906.*

Hon. A. J. HOPKINS,
United States Senate, Washington, D. C.:

I protest against prohibiting passes to local railroad attorneys.

J. S. STEVENS.

The VICE-PRESIDENT. The dispatch will lie on the table.

Mr. DICK. I present a number of protests from organizations of railroad men against the same proposition referred to by the Senator from Illinois. I do not ask that they be read, but will ask the Senate to consent to their being printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

The dispatches were ordered to lie on the table, and to be printed in the RECORD, as follows:

CHICAGO JUNCTION, OHIO, *May 10.*

Hon. CHARLES DICK, *United States Senate,*
Washington, D. C.:

Over 70,000 railway employees and their families in Ohio request that you oppose the proposed amendment to rate bill pending in Senate which would prohibit railway companies issuing passes to such employees and their families.

W. T. FRANCIS,
Conductors' Legislative Representative for Ohio.

NEWARK DEPOT, OHIO, *May 10, 1906.*

Hon. C. F. DICK, *Washington, D. C.:*

Martin Lodge, Brotherhood of Railway Trainmen, 1,450 employees Baltimore and Ohio Railroad Company, request your aid in defeating bill now before the Senate depriving our families from free transportation on railroads. We request you to vigorously protest the passage of this bill.

J. L. MONTGOMERY, *General Chairman.*

CHICAGO JUNCTION, OHIO, *May 9, 1906.*

CHARLES F. DICK,
United States Senator, Washington, D. C.:

As a grand officer, Order of Railway Conductors, representing 30,000 conductors, I request you use your influence to defeat any amendment prohibiting railroads issuing free transportation to their families.

W. H. BUDD.

NEWARK DEPOT, OHIO, *May 9, 1906.*

Hon. C. F. DICK,
United States Senator, Washington, D. C.:

Our division Brotherhood Locomotive Firemen, 2,450 employees Baltimore and Ohio Railroad, request you to use your influence in defeating the amendment to bill depriving our families from free transportation.

THOMAS F. ROBERTS,
General Chairman.

NEWARK DEPOT, OHIO, *May 9, 1906.*

Hon. CHARLES F. DICK,
United States Senator, Washington, D. C.:

As general chairman Baltimore and Ohio Railroad system, division No. 33, the Order of Railroad Telegraphers, representing 1,500 employees of the Baltimore and Ohio Railroad telegraphers' department, I earnestly solicit you oppose that part of the pending amendment to the freight regulation rate bill, wherein free transportation is denied railroad employees' families. If this amendment is passed as it now stands it simply means the curtailing of one of the very few luxuries that the railroad employees now enjoy.

E. N. VANATTA,
General Chairman.

CHICAGO JUNCTION, OHIO, *May 9, 1906.*

CHARLES F. DICK,
United States Senator, Washington, D. C.:

Order Railway Telegraphers protest through you against rate bill amendment forbidding passes employees' families be acted upon tomorrow.

A. R. MOORE, *Chairman.*

NEWARK DEPOT, OHIO, *May 9, 1906.*

Hon. C. F. DICK,
United States Senator, Washington, D. C.:

Licking Lodge, No. 80, International Association of Machinists, 1,350 employees Baltimore and Ohio Railroad, request your aid in defeating bill now before the Senate depriving our families from free transportation on railroads, and earnestly hope you will protest vigorously the passage of that bill.

J. E. FISHER,
District Representative.

NEWARK DEPOT, OHIO, *May 9, 1906.*

Hon. CHARLES F. DICK,
Washington, D. C.:

Licking division Order Railroad Conductors, 450 employees of Baltimore and Ohio Railroad, protest vigorously against the amendment to bill depriving our families from free transportation on railroads, and we appeal to you in hope you will use your best efforts to defeat same.

S. FULLER MOORE, *Chairman.*

ZANESVILLE, OHIO, *May 9, 1906.*

Hon. CHARLES F. DICK,
United States Senate, Washington, D. C.:

Understand proposed amendment to rate bill forbids passes to members of employee's family and to counsel not exclusively employed by railroads. Such amendment would disarrange all our contracts with employees and counsel; would be a hardship on both, and serve no good purpose. Railroads should be allowed to issue passes to local counsel regularly appointed and acting, whether exclusively employed or not, and to dependent members of their families and those of employees. Most all railroads' counsel also take other business. Proposed amendment goes too far. Hope you will resist its adoption.

F. A. DURBAN.

PLYMOUTH, OHIO, *May 9, 1906.*

Hon. CHARLES F. DICK,
United States Senate, Washington, D. C.:

Believing it would be gross injustice to employees if pending amendment to rate bill forbidding passes to employees' families becomes law, we earnestly request you to vote against the amendment.

O. A. FAUST,
Local Chairman Telegraphers.

NEWARK, OHIO, *May 9, 1906.*

Hon. C. F. DICK,
United States Senator, Washington, D. C.:

Division No. 36, Brotherhood Locomotive Engineers, 560 employees Baltimore and Ohio Railroad, earnestly appeal to you, our representative, to use your influence in defeating the amendment to bill depriving our families of free transportation on railroads.

CHAS. C. BOBO, *Chairman.*

Mr. PILES presented a petition of 114 citizens of Seattle, Wash., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented petitions of Pleasant Valley Grange, Patrons of Husbandry, of St. Johns; of sundry citizens of Amboy, and of Everett Lodge, No. 281, Independent Order of Good

Templars, of Everett, all in the State of Washington, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

Mr. SCOTT. I have a number of petitions by wire on the same subject as the Senator from Ohio [Mr. DICK] has presented, and I ask that they be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from West Virginia?

Mr. CULLOM. It seems to me that printing in the RECORD protests from lawyers simply is an unusual proceeding. I think we had better consent to print petitions from persons who are doing business besides lawyers, if we are to begin that course.

The VICE-PRESIDENT. Does the Senator from Illinois object to the request of the Senator from West Virginia?

Mr. CULLOM. I will not object in this case, but it seems to me it ought not to be done.

There being no objection, the dispatches were ordered to lie on the table, and to be printed in the RECORD, as follows:

WHEELING, *May 10, 1906.*

Senator N. B. SCOTT, *United States Senate:*

Please oppose provision in rate bill forbidding issue of passes to railroad attorneys.

ROBT. WHITE.
H. M. RUSSELL.

GRAFTON, W. VA., *May 9, 1906.*

Senator N. B. SCOTT, *Washington, D. C.:*

The telegraphers of West Virginia, whom I represent, earnestly protest against amendment to rate bill now pending, forbidding passes to employees' families, etc. We urgently request you to effect its defeat.

C. E. HOSLER, *Chairman.*

CLARKSBURG, W. VA., *May 9, 1906.*

Hon. N. B. SCOTT, *Washington, D. C.:*

Culberson amendment, forbidding passes except to counsel exclusively employed by railroads, will work much injury to railroads in this word "exclusively." Should be struck out. No one attorney can attend interest of roads in this State, and families of employees should not be excluded from benefit of passes. We think the amendment harsh and impractical. We trust you will oppose it.

JOHN BASSEL.
JOHN W. DAVIS.

HARPERS FERRY, W. VA., *May 9, 1906.*

Hon. Senator SCOTT, *Washington, D. C.:*

Kindly oppose amendment to rate bill relative restricting passes railroad employees and families.

C. E. MARLATT, *Chairman Telegraphers.*

CLARINGTON, W. VA., *May 10, 1906.*

Hon. NATHAN B. SCOTT, *Washington, D. C.:*

The Baltimore and Ohio telegraph operators protest against pending amendment to rate bill affecting free transportation for their families, and solicit your support to defeat this amendment.

M. C. RATHBUN, *Chairman.*

Mr. KEAN. I hope the Senators who have presented these numerous petitions will draw an amendment to satisfy their constituents and present it when the bill is reported to the Senate.

Mr. McLAURIN. I have a telegram, not from a lawyer, that I ask unanimous consent to have printed in the RECORD, along with the other telegrams which have been ordered printed.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi?

Mr. CULLOM. I do not object when the dispatch is from some one else as well as from lawyers, if that is to be the rule.

There being no objection, the dispatch was ordered to lie on the table, and be printed in the RECORD, as follows:

[Telegram.]

GREENVILLE, MISS., *May 9, 1906.*

Senators H. D. MONEY and A. J. MCLAURIN,
Washington, D. C.:

Use herculean efforts to defeat Senate amendment prohibiting issuance of free transportation to families of employees and secure everlasting gratitude of a million railway employees.

J. H. ALDERSON,
Agent, Southern Railway.

Mr. BULKELEY presented a petition of 12 citizens of Bridgeport, Conn., and a petition of the Norwalk Business Men's Association and Board of Trade of Norwalk, Conn., praying for the enactment of legislation to remove the duty on denaturized alcohol; which were referred to the Committee on Finance.

He also presented a petition of the Municipal Art Society of Hartford, Conn., praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which was referred to the Committee on Foreign Relations.

Mr. PENROSE presented petitions of 20 citizens of Klingerstown; of Major Jennings Council, No. 367, Junior Order United American Mechainc, of Shenandoah, and of Fairview Council, No. 89, Daughters of Liberty, of Philadelphia, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the Young Woman's Christian Temperance Union of Mount Washington, Pa., and a petition of 47 citizens of Allegheny, Pa., praying for the enactment of legislation providing for the closing of the Jamestown Exposition on Sunday; which were referred to the Select Committee on Industrial Expositions.

He also presented petitions of 15 citizens of Gettysburg; of Local Grange No. 58, of Wysox; of Local Union No. 380, of Lancaster; of the Backus Water Motor Company, of Philadelphia; of D. B. Maurice Grange, No. 111, of Athens; of Local Grange No. 1155, of Summit, and of Local Grange No. 507, Patrons of Husbandry, in the State of Pennsylvania, praying for the removal of the internal-revenue tax on denaturized alcohol; which were referred to the Committee on Finance.

He also presented petitions of the congregation of the Presbyterian Church of Ellwood City; of the congregation of the Huntingdon Valley Presbyterian Church, of Huntingdon Valley; of the Woman's Home Missionary Society of Abington; of the congregation of the Presbyterian Church of Freeport; of the congregation of the East Whiteland Presbyterian Church, of Frazer; of the Home and Foreign Missionary Society of the congregation of the Presbyterian Church of Dunbar; of the Woman's Christian Temperance Union of Allegheny County; of the congregation of the Second Presbyterian Church of Wyalusing; of the congregation of the Second Presbyterian Church of Butler, and of the Young Woman's Christian Association of Wilkes-Barre, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. ELKINS. I present a number of telegrams from railroad telegraphers, engineers, and members of the Brotherhood of Trainmen, protesting against the passage of the amendment to the rate bill as to passes. I will ask that one be read and that the others lie on the table.

The VICE-PRESIDENT. The Senator from West Virginia asks for the reading of a dispatch. Without objection, the Secretary will read it.

The Secretary read as follows:

[Telegram.]

GRAFTON, W. VA., *May 10, 1906.*

Hon. S. B. ELKINS,
Washington, D. C.:

The Brotherhood of Railroad Trainmen of West Virginia, whom I represent, earnestly protest against amendment to rate bill now pending affecting free transportation, and urgently request that you use your influence to effect its defeat, as we feel it affects our personal privileges.

W. A. MITCHELL, *Chairman.*

The VICE-PRESIDENT. The dispatches sent to the desk by the Senator from West Virginia will lie on the table.

Mr. ELKINS presented a petition of Liberty Council, No. 137, Junior Order United American Mechanics, of Bedington, W. Va., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. BEVERIDGE presented a petition of the Board of Trade of Indianapolis, Ind., praying for the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the ratification of the Santo Domingo treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Trade of Indianapolis, Ind., praying for the ratification of international reciprocity treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of the congregation of the First Presbyterian Church of Hammond, of the congregation of the First Methodist Episcopal Church of Vincennes, and of the Woman's Missionary Society of the Second Presbyterian Church of Madison, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Goshen, Ind., praying for the enactment of legislation to remove the duty on denaturized alcohol; which was referred to the Committee on Finance.

He also presented a petition of the Ladies' Social Circle of the First Baptist Church of Indianapolis, Ind., praying that an

appropriation be made for a scientific investigation into the industrial conditions of women in the United States; which was referred to the Committee on Education and Labor.

Mr. CULLOM. I present a couple of dispatches protesting against the passage of the pass provision in the railroad rate bill. I will not ask that they be printed in the RECORD. I do not think that is necessary.

The VICE-PRESIDENT. The dispatches presented by the Senator from Illinois will lie on the table.

REPORTS OF COMMITTEES.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (H. R. 18439) to authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Miss., reported it without amendment.

Mr. GALLINGER, from the Committee on Commerce, to whom was referred the bill (H. R. 17982) to grant to Charles H. Cornell, his assigns and successors, the right to abut a dam across the Niobrara River on the Fort Niobrara Military Reservation, Nebr., and to construct and operate a trolley or electric railway line and telegraph and telephone line across said reservation, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. ALGER, from the Committee on Military Affairs, to whom was referred the bill (S. 1413) for the relief of Thomas J. Spencer, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. BULKELEY, from the Committee on Military Affairs, to whom was referred the bill (S. 1584) to correct the military record of Alexander Everhart, reported it with an amendment, and submitted a report thereon.

CONDEMNATION FOR RIVER AND HARBOR IMPROVEMENT.

Mr. NELSON. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 15095) authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations, to report it favorably without amendment, and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. BACON. I could not catch the reading here. I should like to look at it for a moment.

Mr. NELSON. I wish to say to the Senator from Georgia that it is a House bill which has passed the House, and it is recommended by the War Department, and unanimously reported by the Committee on Commerce.

Mr. BACON. I do not wish to delay the bill if it is meritorious. I confess, however, that it appears to me to be a bill which must have been introduced for the purpose of meeting some particular case, as it is quite unusual in its terms. It says:

> That whenever any person, company, or corporation, municipal or private, shall undertake to secure, for the purpose of conveying the same to the United States free of cost, any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, etc.

We have a law now by which whatever is needed by the Government may be condemned.

Mr. NELSON. Mr. President, it is a case where the citizens of a town agreed to give the Government the site for the river and harbor improvement, but they struck some men with whom they can not deal. The object is to authorize the Government to institute condemnation proceedings in these cases, to be paid by the parties who are to furnish the site.

Mr. BACON. I do not object to the object at all, but it is an unusual proceeding. This is really a proceeding to condemn what is for private use by the individual.

Mr. NELSON. No; it is for the benefit of the Government.

Mr. BACON. Oh, I understand that. I, of course, understand that the ultimate purpose is that the Government may have the use of it; but, if I understand the reading of the bill, it will be condemned in order that a private person may hereafter convey it to the Government. That is altogether an anomalous proceeding, so far as I have information as to any precedent or anything in harmony with the general rule of law.

Of course we recognize the fact that there can be condemnation proceedings for the benefit of the Government, but here is a case where it is provided that where a private individual desires to convey property and can not himself secure a good title to the Government he can condemn it for the purpose of putting title in the individual, in order that he may convey to the Government. I do not think that is in contemplation of law, and that is what I understand to be the purpose of the bill.

The purpose, I have no doubt, is entirely meritorious, and I do not desire to defeat the purpose; but it occurs to me that the method by which the purpose is sought to be effectuated is not one in harmony with the requirements of the general law which authorizes a condemnation proceeding for the benefit of the Government. This is for the purpose of condemning property that the title may go into an individual who will thereafter convey it to the Government. The purpose can be effected, if it has to be condemned, by the individual paying the Government the amount of money which the Government would have to pay to condemn it. In that way he would indirectly be conveying the property.

Mr. FRYE. The bill requires him to give good and sufficient bond.

If the Senator will allow me one moment, I will state that the case is liable to arise in this way: For instance, there was a project to connect the lake at Tacoma with the Sound. The United States made an appropriation for that purpose, providing that the State of Washington or the city of Tacoma would furnish a free right of way from the lake to the shore. My recollection is that they failed, because they could not secure the free right which they wanted to the shore in every case; and there were a number of cases where they were not able to secure it.

This bill simply provides for meeting a case like that, where the Government is appropriatiing money for the improvement of rivers and harbors and there is a failure on the part of the State or the city to secure the right of way free to the Government. It is hardly ever an individual; I have never known an individual to have anything to do with it. The bill simply provides that the Government may institute condemnatory proceedings through the Attorney-General, that to secure the right a sufficient bond shall be provided, that the land shall be conveyed after condemnation, and that all the cost and expense shall be paid by the party. It seems to me that there could not be anything safer than that.

Mr. BACON. The Senator——

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BACON. If the Chair will pardon me a moment, I will answer definitely.

The VICE-PRESIDENT. The Senator from Georgia will proceed.

Mr. BACON. The Senator from Maine does not meet the point of my objection. It is not that the Government may be put to expense or that the party may not carry out the agreement after the condemnation, but the point is that the bill authorizes a condemnation not for the Government, although the Government will have the ultimate benefit of it, but for an individual who is thereafter to convey to the Government. It is not a question of expense or of uncertainty as to what the party will do, but as to our right to pass a law which shall condemn property for the benefit of an individual and put the title in the name of the individual, even though he is under bond thereafter to convey to the Government.

I do not wish to delay the bill in any unreasonable manner, but I suggest to the Senator from Minnesota if he will let it go over until to-morrow, so that we can have an opportuntiy to examine it, it may be that it is all right. If it does go over I will ask that it go over without losing its place. It occurs to me now that there is very grave difficulty in the bill from a legal standpoint.

Mr. FRYE. I admit I do not see it myself. Both the Committee on Rivers and Harbors of the House and the Committee on Commerce of the Senate have found something to be absolutely necessary under circumstances which arise like that which I have suggested.

Mr. BACON. I suggest to the Senator that in a case such as he has instanced it is entirely competent for condemnation proceedings to be had in the name of the Government and for the Government, and then that the parties who wish to make the donation can return to the Government the amount of money which shall be awarded to the party in interest and against whom the condemnation proceedings are had. It is a very different thing and one, so far as I can now see, utterly unauthorized by the law to authorize the condemnation of property for a private individual, even though that private individual does give bond thereafter to convey to the Government.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SPOONER. I do not see anything in the bill, when one

reads it carefully, that attempts to authorize an individual to condemn any real estate. It provides:

That whenever any person, company, or corporation, municipal or private, shall undertake to secure, for the purpose of conveying the same to the United States free of cost, any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, and shall be unable for any reason to obtain a valid title thereto—

Which means by purchase, of course. It could not mean anything else. Then it confers the jurisdiction on the Secretary of War—

the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States.

Mr. BACON. But if the Senator will read the bill further he will find that the contemplation is that the title shall go to the party who desires to make the donation, because there is a provision in it that he shall give bond that he will convey to the Government after the condemnation proceedings.

Mr. President, I will ask that the bill go over until to-morrow. I will not interpose any objection after I have had time to examine it, if I see that it is all right.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BACON subsequently said: Mr. President, since House bill 15095 was before the Senate, I have had an opportunity to read it, and I find that I misunderstood the Senator from Maine in saying, as I understood him to say, that there was a bond required of the party to convey to the Government after the condemnation proceedings. I find that that is a mistake, and that the condemnation is really to be not in favor of the individual, but of the Government. I therefore withdraw my objection to the consideration of the bill.

The VICE-PRESIDENT. The bill has been read. Is there objection to its present consideration?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEEL LIGHT VESSEL AT ENTRANCE TO JUAN DE FUCA STRAIT.

Mr. PILES. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6003) to construct and place a steel light-ship on "Forty Fathom Bank," so-called, off the entrance to the Straits of Juan de Fuca, to report it with an amendment, and I ask for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was, in line 5, after the word "upon," to strike out the remainder of the bill and insert:

Swiftsure Bank, off the entrance to Juan de Fuca Strait, at a point at or near 13 miles north 74 degrees west, magnetic, from Cape Flattery, a steel steam light vessel, equipped with the latest improved light and fog signals, at a cost not to exceed $150,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to construct and place a steel light vessel on Swiftsure Bank, off the entrance to Juan de Fuca Strait."

ROANOKE RIVER BRIDGE, NORTH CAROLINA.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 18204) to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C., to report it favorably without amendment.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JURORS IN PORTO RICO.

Mr. FORAKER. I am directed by the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 5512) defining the qualifications of jurors in Porto Rico, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

Mr. HALE. Will not the Secretary read again that portion of it relating to the exemptions from jury duty?

The VICE-PRESIDENT. The Secretary will read, as requested.

The Secretary read as follows:

Provided, That the exemptions from jury duty allowed by the local law shall be respected by the court when insisted upon by veniremen.

Mr. FORAKER. I will state for the benefit of the Senator from Maine that the only purpose of the bill is to change the law so that they can select men who understand the English language for jurors in the United States courts.

Mr. HALE. Is that the only infirmity in the present law in relation to the choosing of veniremen?

Mr. FORAKER. Yes; it is practically the only one. It is the only one I know of. The bill is recommended by the judge of the United States district court for Porto Rico, by the United States district attorney for Porto Rico, and by the Attorney-General.

Mr. HALE. What are the qualifications of jurors?

Mr. FORAKER. The organic act of Porto Rico provides that the district court of Porto Rico shall have, in addition to the jurisdiction which belongs to United States district courts generally, the jurisdiction of the circuit court, and it makes applicable to Porto Rico, in so far as not locally inapplicable, the laws of the United States, among which is the statute requiring the selection of jurors to conform to the local laws, and conforming to the local laws the requirements for jurors in the local court do not exactly suit the requirements of the business in the United States district court, where it is by law required to be conducted in the English language.

Mr. HALE. That is all there is in the bill?

Mr. FORAKER. That is all there is in the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill just read?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. FORAKER, the title was amended so as to read: "A bill defining the qualifications of jurors for service in the United States district court of Porto Rico."

LAKE MICHIGAN IMPROVEMENT.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 134) authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind., to report it favorably without amendment.

Mr. HEMENWAY. I ask for the immediate consideration of the joint resolution.

The Secretary read the joint resolution; and there being no objection, it was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. DICK introduced a bill (S. 6097) to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PENROSE introduced a bill (S. 6098) granting an increase of pension to David C. Winebrener; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6099) for the relief of Jose Salazar y Ortiz; and

A bill (S. 6100) for the relief of the trustees of the Methodist Episcopal Church of Bunker Hill, formerly Mill Creek, W. Va. (with accompanying papers).

Mr. ELKINS introduced a bill (S. 6101) granting a pension to John Frederick; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 6102) to remove the charge of desertion from the military record of Ephraim Martin and grant him an honorable discharge; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SPOONER introduced a bill (S. 6103) granting an increase of pension to William P. Visgar; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6104) to create the office of captain in the Philippine Scouts; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. SIMMONS introduced a bill (S. 6105) to correct the military record of Smith F. Carroll; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GALLINGER introduced a bill (S. 6106) granting a right of way for widening the alley connecting Nichols avenue with Hamilton road, in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. PETTUS introduced a bill (S. 6107) for the relief of Burwell J. Curry; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6108) for the relief of Dan Walden; which was read twice by its title, and referred to the Committee on Claims.

Mr. HALE introduced a bill (S. 6109) authorizing the reappointment of midshipmen recently dismissed from the Naval Academy for hazing; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. FLINT introduced a bill (S. 6110) to correct the military record of Lewis W. Crain; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6111) granting an increase of pension to Thomas H. G. Lester;

A bill (S. 6112) granting an increase of pension to Hiram J. Weston; and

A bill (S. 6113) granting an increase of pension to John McLaughlin.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6114) to refund internal-revenue taxes paid by owners of private dies (with accompanying papers); and

A bill (S. 6115) for the relief of Margaret C. Montville.

Mr. ALGER introduced a bill (S. 6116) to correct the military record of Porter P. Misner; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 6117) granting an increase of pension to W. E. Cummin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNHAM introduced a bill (S. 6118) granting an increase of pension to Reuben B. Watson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced a bill (S. 6119) for the protection of animals, birds, and fish in the forest reserves of California, and for other purposes; which was read twice by its title, and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. CULBERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 6120) for the purchase of a site for a Federal building for the United States post-office at San Marcos, Tex.; and

A bill (S. 6121) for the purchase of a site for a Federal building for the United States post-office at Nacogdoches, Tex.

Mr. CLAPP (by request) introduced a bill (S. 6122) directing the enrollment of white persons intermarried with Cherokee Indians by blood, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. BACON introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Claims:

A bill (S. 6123) to authorize the Secretary of the Treasury to pay the claim of Mrs. Mattie Stewart Glover and Mrs. Katherine Stewart Ruse, the heirs at law and only legal representatives of the late William Stewart, of Mobile, Ala.; and

A bill (S. 6124) for the relief of the heirs of Elisha Lowry.

Mr. TELLER introduced a bill (S. 6125) for the relief of Gustav A. Hesselberger; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BEVERIDGE introduced a bill (S. 6126) granting an increase of pension to James E. Speake; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6127) granting an increase of pension to John R. Callender; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced a bill (S. 6128) to authorize the construction of a bridge across the Pend d'Oreille River, in Stevens County, Wash., by the Pend d'Oreille Development Company; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DICK introduced a joint resolution (S. R. 57) providing for the purchase of material and equipment for use in the construction of the Panama Canal; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

Mr. ANKENY introduced a joint resolution (S. R. 58) providing for the purchase of material and equipment for use in the construction of the Panama Canal; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

AID BY CUBAN GOVERNMENT TO SAN FRANCISCO SUFFERERS.

Mr. CULLOM. I present some correspondence, a letter from the Secretary of State and a letter to him from the Cuban Government. I ask that they both be read, so that they may go into the RECORD.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF STATE,
Washington, May 9, 1906.

Hon. SHELBY M. CULLOM,
Chairman of the Committee on Foreign Relations,
United States Senate.

SIR: In connection with the President's message of the 3d instant, referred to your committee, I have the honor to inclose for your information a copy of a dispatch from the American minister at Habana, received on the 7th instant, reporting that the House of Representatives of Cuba unanimously passed a bill appropriating $50,000 for the San Francisco sufferers.

This information would have been communicated in the President's message of the 3d instant if it had been received in time.

I have the honor to be, sir, your obedient servant,

ELIHU ROOT.

AMERICAN LEGATION,
Habana, Cuba, May 2, 1906.

Hon. ELIHU ROOT,
Secretary of State, Washington, D. C.

SIR: On April 30 the lower house of the Cuban Congress suspended the regular course of business and approved unanimously a bill to appropriate the sum of $50,000 from the public treasury for the relief of the San Francisco sufferers. This bill upon its introduction to the upper house was referred to the finance committee.

In view of the desire of President Roosevelt, as reported in the public press, that the American people might be accorded the privilege of attempting to alleviate the condition of their distressed fellow-citizens without extraneous aid and that assistance from abroad must therefore be declined, I availed myself of a suitable occasion to intimate to the Secretary of State that the proposal for a special grant would indicate as clearly as would the passage of the bill authorizing the appropriation Cuba's sympathy, and that it might be desirable in view of this fact for the Cuban Congress without further legislation to content itself with this expression of its benevolent intention.

I have the honor to be, sir, your obedient servant,

EDWIN V. MORGAN.

The VICE-PRESIDENT. The communications will be referred to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CULLOM submitted an amendment providing for the application of a sum not to exceed $1,000,000 from the indemnity fund received as reimbursement from the Chinese Government, for the purchase of ground and the erection of buildings for consular offices in China, Korea, and Japan, intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. GALLINGER submitted an amendment providing for the acquisition of land for a public park lying east of Thirtieth street and Branch avenue and north and south of Pennsylvania avenue extended in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also submitted an amendment proposing to appropriate $100,000 for the purchase, installation, and maintenance of water meters in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

WITHDRAWAL OF PAPERS—MARY CORNELIA HAYS ROSS.

On motion of Mr. MCCUMBER, it was

Ordered, That the papers filed in the office of the Secretary of the Senate, in connection with the bill S. 3935, Fifty-eighth Congress, granting an increase of pension to Mary Cornelia Hays Ross, be withdrawn, no adverse action having been taken on the same.

AFFAIRS OF M'KINLEY MANUAL TRAINING SCHOOL.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to.

Resolved, That the Committee on the District of Columbia, by subcommittee or otherwise, is hereby directed to investigate, at its discre-

tion, all matters connected with the administration of the affairs of the McKinley Manual Training School, to inquire into the conduct of the scholars and the discipline of said school, and also to make such further investigation of school affairs in the District of Columbia as said committee shall deem advisable.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT. If there are no further concurrent or other resolutions, the Chair lays before the Senate the unfinished business, which is House bill 12987.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The VICE-PRESIDENT. Unless there are further amendments to section 1 of the bill, the Secretary will read section 2.

The Secretary proceeded to read section 2, beginning on page 3 of the bill.

Mr. TILLMAN. Mr. President, I wish to offer an amendment to section 2, which is——

Mr. LODGE. I suggest that the Senator's amendment will be in order after the section shall have been read.

The VICE-PRESIDENT. After the reading of the section is concluded by the Secretary, the Chair will recognize the Senator from South Carolina [Mr. TILLMAN] for the purpose of offering his amendment.

The Secretary read section 2 of the bill, as follows:

SEC. 2. That section 6 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates, fares, and charges for the transportation of passengers and property which any such common carrier has established, and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, icing charges, and all other charges which the Commission may require, and any rules or regulations which in any wise change, affect, or determine any part of the aggregate of such aforesaid rates, fares, and charges. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production.

"No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been established and published by any common carrier in compliance with the requirements of this section, except after thirty days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

"And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

"Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same. Every such common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates, fares, or charges for such continuous lines or routes, copies of such joint tariffs shall also in like manner be filed with said Commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said Commission, in so far as may, in the judgment of the Commission, be deemed practicable; and said Commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem it practicable for such common carriers to publish, and the places in which they shall be published.

"No change shall be made in joint rates, fares, and charges, shown upon joint tariffs, except after thirty days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect. The Commission may make public or require the carriers to make public such proposed changes in such manner as may, in its judgment, be deemed practicable and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier party to any joint tariff to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon, than is specified in the schedule filed with the Commission in force at the time.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section or any part of the same such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal operating office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commission appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commission, as complainant, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act."

Mr. TILLMAN. Mr. President, I have sundry verbal amendments to offer to this section, which have been recommended by the Interstate Commerce Commission; which I send to the desk.

The VICE-PRESIDENT. The first amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. On page 3, line 24, after the word "shall," it is proposed to insert "file with the Commission created by this act and;" and on page 3, line 25, after the word "showing," to insert the word "all;" so as to read:

SEC. 2. That section 6 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall file with the Commission created by this act and print and keep open to public inspection schedules showing all the rates, fares, and charges for the transportation of passengers, etc.

The amendment was agreed to.

Mr. TILLMAN. I now offer the amendment which I send to the desk.

The SECRETARY. On page 4, line 1, it is proposed to strike out the word "the," before the word "transportation;" and in lines 1, 2, and 3 to strike out the words "of passengers and property which any such common carrier has established and which are in force at the time upon its route," and to insert in lieu thereof the words "between different points on its own route and between points on its own route and points on the route of any other carrier by railroad or by water when a through route and joint rate have been established."

Mr. ALDRICH. Mr. President, I am afraid that the insertion of the words "or by water" may give this provision a different significance from what it now has. I do not see any occasion for using the words "or by water" in that connection.

Mr. TILLMAN. Here is a memorandum sent me by the Interstate Commerce Commission, in which they explain why that is done. I will have the memorandum read for the information of the Senate, if it is so desired.

Mr. ALDRICH. I shall be glad to have it read. Those words might make an important difference under certain conditions.

Mr. CULLOM. Let the communication from the Interstate Commerce Commission be read.

The VICE-PRESIDENT. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

The sixth section of the present law, and as it is proposed to be substantially reenacted with a few amendments in the Hepburn bill, is framed upon no consistent or reasonable theory or plan. In its present form it results from adding onto the original section, passed in 1887, the amendments of 1889. As the section now stands, with the amendments proposed in the Hepburn bill, individual and joint rates are without any reason treated differently. As to the individual rate, there must be thirty days' public notice of change and prompt notice, whatever that may mean, of such change to the Commission. As to the joint rate, there must be thirty days' notice to the Commission, and such publicity given to the proposed change as the Commission may order. Again, as to the individual rate, the Commission has authority to vary the time of notice of any change in that rate, but as to the joint rate, the Commission can not vary the time of notice to itself of a proposed change in that rate.

There is no reason why the joint rate as to publication at stations and notice to the Commission should not stand upon the same footing

as the individual rate. So far as the public is concerned, a rate is a rate, whether it is over only one railroad or applies over two or more railroads; and as to either rate the necessity for publication is the same. If the proviso in the Hepburn bill authorizing the Commission to allow changes in the individual rate upon less than the thirty days' notice specified or to modify the requirements in relation to publishing and posting the tariffs is valuable to the public or a necessity to the carriers, it should be made to apply also to joint rates; but as above indicated, as the bill now stands the Commission has no authority to vary the requirement for thirty days' notice to the Commission of changes in joint rates. Moreover, the law should distinctly provide for the publication of joint rates, just as it does for the publication of individual rates.

A large portion of the act to regulate commerce and most of the Elkins law was framed to secure adherence to published tariffs. It follows that the provisions of the law respecting the filing and publication of such tariffs should be definite and certain as to joint rates as well as individual rates. There should also be in section 6 a distinct prohibition forbidding a carrier to receive or participate in the transportation affected by the act unless the rates, fares, and charges upon which the same is transported have been filed and published in accordance with the provisions of this section, and that the published rates shall be invariably observed.

To accomplish this purpose the Commission, in what is known as the "Commission bill," redrafted section 6 of the act to regulate commerce. Section 2 of the Hepburn bill, which aims to amend section 6 of the act to regulate commerce, should be amended as shown on the inclosed copy of the Hepburn bill.

With this will also be found a formal amendment setting forth the changes so indicated.

The first purpose of the amendment is to provide in one paragraph as well for the filing with the Commission as for the publication of *all* rates, whether individual or joint, and to include therein *all terminal charges, storage charges, and all special privileges or facilities granted or allowed.* This places the filing and publication of all schedules on the same footing and makes such schedules include all rates, privileges, or facilities.

Mr. TILLMAN. That is all that relates to this special amendment.

Mr. ALDRICH. There is no allusion here to the reasons for inserting the words "or by water," when the transportation may be under different conditions entirely from the conditions named in the first section of the bill.

Mr. TILLMAN. I presume that it has reference or is intended to include water transportation along with railroad transportation, or partly by railroad and partly by water, as defined at the bottom of the first page of the act.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Jersey?

Mr. TILLMAN. With pleasure.

Mr. KEAN. Noticing the memorandum which has just been read from the Interstate Commerce Commission, I yesterday introduced an amendment which covers the sixth section of the act in regard to interstate commerce. The amendment that I introduced is one prepared by the Interstate Commerce Commission, and is the same as was in the Interstate Commerce Commission's bill which they presented some time since.

Mr. TILLMAN. Mention has just been made of that in the memorandum.

Mr. KEAN. With one change. I introduced that amendment yesterday, as the Senator will see, and I now offer it to this section.

Mr. TILLMAN. What is the change the Senator makes?

Mr. KEAN. The only change is in line 2, on page 2 of the amendment, where the words "icing charges" are inserted.

Mr. TILLMAN. It will save time and be perfectly agreeable to me to let the Commission's substitute which it sent in its original bill be acted upon, instead of going through the troublesome process of inserting these amendments to the Hepburn bill.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. With pleasure.

Mr. DOLLIVER. I think it is due to the committee to make a brief statement as to this section 6. The pending bill was framed to make as few changes as possible in the existing interstate-commerce law. In the bill sent to the committee by the Interstate Commerce Commission, section 6 was rewritten and everybody agreed that many valuable improvements were made in it, especially in its literary phraseology and in the clearness with which its provisions were expressed. However, it was the wish of the committee to intrude as little as possible upon the language of the interstate-commerce law in view of the fact that that law had stood for twenty years and had been reasonably effective so far as the publication of the rates was concerned. Therefore the two important suggestions of the Commission, first, in relation to the separate publication of icing charges, and, second, in relation to the discretion of the Commission to set aside the requirements of the law in special cases as to publication—with those two amendments, the original interstate-commerce law expressed with practical fullness everything that the Commission appeared to desire. For that reason the committee dropped from the bill the new section 6 which the Commission had prepared, and confined itself to this slight amendment of the existing section 6.

I do not deny that the Commission's rewriting of the bill is more modern and more in consonance with present railway conditions, and I have no objection at all, with the amendment which the Senator from New Jersey has suggested—of a separate requirement for icing charges—that the section as originally framed of the interstate-commerce bill should be substituted for section 2 in the pending bill. I think it would cover all the points made by the amendments which the Senator from South Carolina has offered.

Mr. TILLMAN. To save time and a considerable amount of routine which we will have to devote to something else I am perfectly willing to accept the suggestion of the Senator from New Jersey [Mr. KEAN], that the substitute which he has offered shall go into the bill instead of my amendment of the Hepburn bill in this piecemeal way.

Mr. KEAN. Then I will offer the substitute.

The VICE-PRESIDENT. The Chair understands the Senator from South Carolina withdraws his proposed amendment, and the Senator from New Jersey proposes a substitute for the amendment.

Mr. TILLMAN. The proposed substitute strikes out all after line 22, on page 3.

Mr. LODGE. I think the amendment should be worded so as to show that it comes in after the word "follows," in line 22, because it is not section 6 of the pending bill, but section 2. It is section 6 of the old act that is proposed to be amended.

Mr. KEAN. The amendment is to come in on page 3, line 22, after the following words:

SEC. 2. That section 6 of said act, as amended March 2, 1889, be amended so as to read as follows.

The VICE-PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. On page 3 it is proposed to strike out all after the word "follows," in line 22, down to the end of the section, and to insert in lieu thereof the following:

SEC. 6. Every common carrier subject to the provisions of this act shall file with the Commission created by this act tariffs showing all the rates, fares, and charges for transportation, as defined in the first section of this act, between points upon its own route and between points upon its own route and points upon the route of any other carrier when a through route and joint rate have been established by agreement or otherwise; and this provision shall apply when the route connecting two points in the United States passes through an adjacent foreign country and when the traffic is moving to or from any foreign country. Such tariffs shall plainly state the places between which passengers or property will be carried, shall contain the classification of freight in force, and shall also state separately all terminal charges, including storage, icing charges, and all privileges or facilities which shall be allowed other than those involved in the transportation of passengers or property, as defined in the first section of this act, in ordinary course between two definite points, and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of said rates, fares, and charges, or the value thereof, to the shipper or consignee. Every such common carrier shall also file with said Commission copies of all contracts, agreements, or arrangements relating to any traffic or transportation affected by the provisions of this act to which it may be a party.

The carrier shall plainly print such tariffs in large type, and shall keep posted, for the use of the public, two copies in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such manner that they shall be accessible to the public and can be conveniently inspected.

No change shall be made in any tariff of rates, fares, and charges filed and published as aforesaid unless the carrier shall file with the Commission a statement showing such changes and the date when they shall take effect, and shall post new tariffs, as hereinbefore provided, or plainly indicate such changes upon those already posted, at least sixty days before the taking effect of such changes; but the Commission may, for good cause shown, allow changes upon less than sixty days' notice, and may do this either in a particular instance or by general order applicable to special conditions and species of traffic.

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission; and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

The Commission may determine and prescribe the form, subjects to be contained in, and arrangement of the tariffs required to be published and filed, as aforesaid, and may change such form, subjects, or arrangement thereof from time to time as shall be found expedient.

The Commission may, in its discretion and for good cause shown, change or modify the foregoing requirements in respect of the publishing, posting, and filing of tariffs, and may do this either in particular instances or by general order applicable to special or peculiar circumstances or conditions.

No carrier shall, unless otherwise provided by this act, receive or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this section; nor shall any

carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

Any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production, and any law in conflict with this section is hereby repealed.

Mr. CULBERSON. Mr. President, by the courtesy of the Senator from New Jersey [Mr. KEAN], I desire to make a brief statement about a matter not concerning the amendment immediately pending.

A day or two ago an amendment which I presented prohibiting the issuance of passes was adopted by the Senate. The amendment accomplished the purposes which I had in view, but in drafting it hastily at my desk due consideration was not given to the exceptions which were made. I desire, therefore, to enter a motion to reconsider the vote by which the amendment was adopted, merely entering it, not asking to have it acted on now, however; and I will state that if that motion shall prevail I will ask to have what I send to the desk substituted in lieu of the amendment.

Mr. SPOONER. Let it be reported.

Mr. ALDRICH. I suggest to the Senator from Texas that this matter be taken up in the Senate when it is reached.

Mr. CULBERSON. I prefer to take this course, if the Senator please.

Mr. ALDRICH. Of course, if the amendment comes back in the Senate for one purpose, it comes for all purposes, and it may give rise to long discussion as to what disposition shall be made of it. I think it is much better to let it be acted upon there.

Mr. CULBERSON. I do not ask that the motion to reconsider be acted upon now.

The VICE-PRESIDENT. The Senator from Texas merely enters the motion.

Mr. CULBERSON. I merely enter the motion to reconsider.

Mr. McCREARY. I ask the Senator from Texas to state what the amendment is he proposes to change?

Mr. CULBERSON. I have already stated it; but I will state it again.

Mr. SPOONER. Let the amendment be read.

Mr. TELLER. Let it be read.

The VICE-PRESIDENT. The Secretary will read, if there be no objection.

The Secretary read as follows:

That no carrier engaged in interstate commerce shall hereafter directly or indirectly issue or give any interstate free ticket, free pass, or free transportation, except to the officers, agents, and employees, and members of their immediate families, actual and bona fide attorneys, of the carrier issuing the same, to ministers of religion and inmates of hospitals and eleemosynary and charitable institutions and indigent persons. Any carrier violating this provision shall be deemed guilty of a misdemeanor and shall for each offense pay to the United States a penalty of not less than $100 nor more than $2,000.

The VICE-PRESIDENT. The motion to reconsider is entered; and the proposed amendment will be printed and lie on the table.

Mr. FORAKER. I only want to say before we pass from this matter that I hope the Senator from Texas will insist upon his motion to reconsider in Committee of the Whole, so that the matter may be determined before we report the bill to the Senate.

Mr. KEAN. Now, Mr. President, let us have a vote on my amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. BACON. Mr. President, I simply desire to say that it it extremely difficult for those of us who have not had the opportunity for critical examination to learn whether the substitute for section 6 is complete in all particulars that are of importance. As I understand, the amendment proposes to strike out entirely section 6 and substitute this in place of it. If that is true, I wish to ask the Senator from New Jersey whether the provision of the present bill found on page 8, beginning in line 4 and running through to page 9, concluding in line 5, is substantially incorporated in the proposed amendment?

Mr. KEAN. All I can say to the Senator from Georgia is this: The amendment was prepared by the Interstate Commerce Commission, and it was done after very careful examination, and was put into the bill which the Commission sent to the Committee on Interstate Commerce on the 28th day of last November. They very strongly advocate the amendment. I think everything is included in it except that part of the bill to which the Senator has called attention.

Mr. BACON. That seems to me to be a very important part of this bill. It is the method by which the previous requirements of the section can be enforced. I have not had time to read carefully the Senator's amendment to see whether that is supplied in some other way.

Mr. KEAN. I think it is supplied in other parts of the bill.

Mr. BACON. It is not in other parts of the present bill, unless I am mistaken about it.

Mr. TILLMAN. If the Senator from New Jersey will permit me, I will say to the Senator from Georgia that the amendments which I proposed to insert in the Hepburn bill were prepared by the Interstate Commerce Commission, but that previously they had prepared a bill of their own, which they submitted to the Interstate Commerce Committee, but which was not adopted by anybody. In their memorandum, which was read at the desk a little while ago, they state that the present law is a kind of a composite arrangement that is more or less involved and contradictory, and in some places obscure, and that in rewriting it they had prepared a bill of their own which made it more symmetrical and clear. I accepted the substitute of the Senator from New Jersey upon the faith I have in the Commission, that they know more about it than either he or I or the Senator from Georgia.

Mr. BACON. I am very free to accord what the Senator says about myself. I do not profess to know very much about it, and have made no such professions in the Senate.

Mr. TILLMAN. I am not attempting to criticise the Senator. I can not answer his question. I do not think any man in the Senate can. We are taking it on the confidence we have in the Interstate Commerce Commission, that they understand this question, and they have suggested these amendments.

Mr. BACON. I, of course, accord to the Commission very great ability in this line, and the utmost good faith, but at the same time the responsibility is on us and not on the Commission, and I think it would be a very serious proposition that we should not only as to small isolated provisions of this bill accept their judgment, but that we should proceed to strike out four or five pages of this bill and insert something else in place of it, simply upon the ground that any persons outside of the Chamber are in favor of it.

Mr. ALDRICH. Will the Senator permit me to make a suggestion?

Mr. BACON. I will, but there is so much conversation around that it is very difficult to understand what the Senator says.

Mr. ALDRICH. I suggest that this amendment be adopted in Committee of the Whole, and then the Senator can investigate it, and he can easily make any suggested changes in the Senate if it is found not to be correct.

Mr. BACON. I do not know about that; that is not our usual method of procedure. Of course I am not in charge of the bill; I am not one of the very active agents in its consideration and discussion. I am endeavoring to gather what I can from the discussion of others, and am trying to contribute what I can to make it an effective bill. I find this, which is a very serious proposition to me, although I may be mistaken about it. On page 8, which is a part of the section proposed to be stricken out by the amendment, there are a series of provisions by which the requirements of this section are to be enforced and made effective and compulsory. Now, I ask the Senator from New Jersey this question——

Mr. KEAN. I think if you will look on page 24 of the House bill——

Mr. BACON. Page 24?

Mr. KEAN. Wait a minute.

Mr. LODGE. It is entirely covered.

Mr. KEAN. Page 8, line 24.

On page 8, lines 4 to 9 are stricken out, because the provision for mandamus is wholly covered on page 24, lines 14 to 22, inclusive.

Mr. LODGE. That covers the whole thing.

Mr. BACON. There is something more here than the mere matter of mandamus. If the Senators who have suggested this and who have looked into it are prepared to say that the provisions found on pages 8 and 9, by which alone, so far as I can see——

Mr. KEAN. I will say to the Senator that the penalties for a violation of this clause are found also in the amendment already enacted, known as the "Elkins law," and this does not repeal the Elkins law.

Mr. BACON. If that is the case, this was originally an improper provision to incorporate in the bill.

Mr. HALE. Unnecessary.

Mr. BACON. The Senator from New Jersey says it is already the law. I do not see how that can be. I do not see how the provisions of the Elkins law can properly enforce the provisions of this bill.

I do think that Senators who father it—those who advocate it—ought to be in a position at least to give us definite and positive and unambiguous explanations and opinions in regard to it, and not simply refer to somebody else. It is evident from the answers of the Senator himself and those who are endeavoring to assist in reply to that question that nobody has given careful examination—at least, nobody who has yet spoken—to this proposed amendment to see whether or not it does carefully preserve the essential features of the part of the bill which it is proposed to strike out.

Mr. DOLLIVER. Mr. President, a good many weeks ago I had the duty of examining, with some care, the changes suggested by the Interstate Commerce Commission in section 6, and I think I can say to the Senator from Georgia that the changes are mainly administrative in character and such as have been suggested by the practical experience of the Commission.

Now, as to the omission in the amendment offered by the Senator from New Jersey of any reference to——

Mr. HOPKINS. I should like to ask the Senator from Iowa a question respecting this matter. Is the proposed amendment of the Senator from New Jersey an amendment that was prepared by the Commission prior to the reporting of this bill to the Senate by the Senate committee?

Mr. DOLLIVER. In reply to the Senator from Illinois, I will say that at the beginning of the session the committee, by resolution, requested the Interstate Commerce Commission to send us a bill containing what in their opinion would cover the points which we desired to amend in the existing interstate-commerce law, and this section, which the Senator from New Jersey has offered was section 2 of that Interstate Commerce Commission bill. Now, it had a good many departures in language and some departures in substance from the existing law.

So far as I am personally concerned, I did not regard the departures from existing law as of sufficient importance to warrant the committee in abandoning four or five pages of the existing interstate-commerce law, though I did not doubt, and do not now doubt, that the phraseology of the section, as prepared by the Commission, is in many respects an improvement upon section 6 of the existing interstate-commerce act.

Mr. HOPKINS. I should like to know of the Senator from Iowa if at the time this bill was reported he favored the section as reported in the bill over the proposed amendment of the Senator from New Jersey?

Mr. DOLLIVER. At that time I went through a great many anxieties in my devotion to the existing bill, and yet I did it solely because I was impressed with the notion that the fewer changes that were made in a law that had been in existence for twenty years the better on the whole it would be.

Mr. HOPKINS. I should like the Iowa Senator to state what has come over his spirit to cause him this morning to advise the Senate to abandon the section that was reported by the committee and to adopt a section that was prepared by the Commission?

Mr. DOLLIVER. In reply I will say that the Commission has sent here a half dozen or more amendments. I endeavored at the time to secure the insertion in the bill of some of those which the Commission regarded as important. But the language was difficult to readjust to the new provisions, and the Commission have taken the view that on the whole the new draft of the entire section which they have agreed upon after very laborious consideration is superior to the old law, and since the matter concerns entirely the administration of the law I am not disposed to hold a controversy with the Commission as to the language. Now, the old proviso——

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. DOLLIVER. Certainly.

Mr. SPOONER. I should like to inquire of the Senator from Iowa what change, if he is able to state it, the amendment makes in the text of the bill which it is intended to supplant?

Mr. DOLLIVER. That would be a very difficult matter to state, as the changes are very numerous.

Mr. SPOONER. I am speaking of essential changes.

Mr. DOLLIVER. The essential change in the old law, which is provided in the pending bill, is in the proviso which gives to the Commission a discretion to suspend and set aside the provisions of the law in respect to the publication of rates——

Mr. ALDRICH. And the notice.

Mr. KEAN. And the notice.

Mr. DOLLIVER. And the notice in connection therewith.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. I should like to ask the Senator whether the amendment proposed by the Senator from New Jersey was carefully considered by the committee and rejected for the section which the committee reported to the Senate?

Mr. DOLLIVER. I am bound to say that the committee did not bend very much intellectual energy to that subject at the time.

Mr. BEVERIDGE. I am bound to say I did not hear the Senator's answer.

Mr. DOLLIVER. Owing to the peculiar situation of the committee, these details did not receive very profound consideration.

Mr. BEVERIDGE. Of course these details involve just five pages of the bill.

Mr. KEAN. I will say to the Senator from Indiana that they are very carefully drawn.

Mr. DOLLIVER. The substance——

Mr. BEVERIDGE. If I may be permitted, the Senator from New Jersey injected the remark that they were very carefully drawn. I ask the Senator from New Jersey, Which was carefully drawn? The provision which the committee reported, or the provision which he now offers as an amendment?

Mr. DOLLIVER. Both.

Mr. KEAN. The one I offer.

Mr. BEVERIDGE. Which was the more carefully drawn?

Mr. KEAN. I can not answer for the bill before the Senate, because I had no part in its preparation.

Mr. BEVERIDGE. If the one you now offer was the more carefully drawn, why did not the committee report it?

Mr. DOLLIVER. This is not a controversy between the committee and the Interstate Commerce Commission. It is a controversy between the law of 1887 and those amendments, which have been suggested by the Commission in order to make the law more workable.

Mr. TELLER. Mr. President, we have been discussing this bill, more or less, for the last three months. It has been understood pretty generally, whether on authoritative information or not I do not know, that the Commission was largely responsible for this bill. Whether that is true or not I do not know. I want to enter a general protest against this method of doing business. On yesterday there came in a material amendment, and I will venture to say nobody on the floor is able to state what it means. We know it changes the original bill, or else there is no necessity for the amendment. The Senator from New Jersey [Mr. KEAN], who offered it and whose name it bears, I understand does not attempt to explain it. The Senator from Iowa [Mr. DOLLIVER], who had this bill largely in his keeping, does not know what it is.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Iowa?

Mr. TELLER. Certainly.

Mr. DOLLIVER. This section has been on the statute books for twenty years, and there is no more reason why I should know what it contains than there is that the Senator from Colorado should understand it.

Mr. TELLER. I am not talking about section 6. I am talking about this new amendment. I know what is in section 6.

Mr. DOLLIVER. Then the Senator is the man to point out to the honorable Senator from Georgia what the difference is between that and the amendment.

Mr. TELLER. But the Senator was not able to tell the Senator from Georgia what the difference was. Now, before I vote for any measure I want to know what it means.

Mr. SPOONER. What changes it makes in the law.

Mr. TELLER. I want to know what changes it makes in the law, if that is the law we are proposing to reenact. The Senator who has the bill in charge, I think, admits that he does not know what the changes are.

Mr. TILLMAN. I sent to the desk a memorandum which explains exactly what is to be done, and the changes, and the reasons for them. The Senator from Colorado did not listen, or he would know. I can send it to the desk and have it read again.

Mr. TELLER. I do not depend on a proposition read from the desk.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Certainly.

Mr. FORAKER. I hope the Senator will allow the communication to be read again.

Mr. TELLER. I am willing that it shall be read, but my method in dealing with these subjects is to take the bill and read it myself. I confess my inability to get a proper idea of a bill read from the desk and the desk alone. I do not believe any other Senator can, either.

Mr. President, after three months, when we had supposed that the sixth section which was in the bill was what was proposed, here comes a change. I do not know whether it is a material change or not. I do not know whether it is better than the original bill. I am not one of those who believe it to be my duty here as a Senator to take the word of somebody outside for it. If you are going to let the Commission make this bill, send it to the Commission and let them make it, and then adopt it. Mr. President, it is a vicious and unheard-of system of doing business. Here it came yesterday for the first time. Nobody has been able to see it or to know what it was until this morning. Then it is taken up. I understand it is to be railroaded through and put in the bill, and we will find out later some time whether it makes any change.

I suppose it is in the power of the Senate to vote this amendment in now. But I do not believe it is in the power of the Senator who has the bill in charge to accept it and prevent me from having an opportunity to vote against it if I see fit. I do not know whether I want to vote against it.

Mr. TILLMAN. The Senator from South Carolina has not attempted anything of the kind.

Mr. TELLER. I know he has not. I do not know that I have any objection to it. I am not in the habit, and I do not intend to be driven into it, either, of accepting a material change in a bill because somebody outside, who is not charged with the responsibility I am, concludes that it is better than that which we had before us for fully three months. It may be better, but decent legislation requires that we should have time to understand it and look into it. The Senator says he has had something read here. He can have it read again if he wants, but I shall not be able myself to form an opinion upon this subject until I can take the two propositions—what is in the bill now and this amendment—and compare them. I am not willing, I repeat, to submit to the Commission the making of this bill. The people of this country do not expect us to submit to the Commission the making of this bill. We are expected to make it here, with the assistance of the other body. If we are going to abandon our province of legislation here, either because it will be easier or pleasanter or because we are afraid we can not do it ourselves, let us be honest about it and send it to the Commission and wait until the Commission shall determine what we ought to do.

Mr. LODGE. The Senator from South Carolina started to perfect this section, which obviously needs a great many amendments, by offering a series of amendments. Then one amendment was offered, a well-drawn substitute, which would have saved the Senate the trouble of going through all those amendments, and the Senator from South Carolina, in conduct of the bill, very wisely said he would be glad to substitute a single draft, making all the changes and perfecting it, instead of taking the time of the Senate in going through it line by line and making a series of small but necessary changes in the wording. It seems to me that that course is in the interest of the expedition of business.

The amendment offered is a well-drawn section in place of one less well drawn and to which it is proposed by the committee to offer a series of amendments. The Senator from South Carolina [Mr. TILLMAN], the Senator from New Jersey [Mr. KEAN], and the Senator from Iowa [Mr. DOLLIVER], all members of the committee, assure us that it is simply substituting a well-prepared and carefully drawn draft for one that confessedly still needs a great deal of amendment.

Mr. SPOONER. Will the Senator from Massachusetts allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. SPOONER. The Senator says it is a well-drawn section, I presume from having read it or having familiarized himself with it, and, therefore, the Senator is the proper Senator to whom I may address the interrogatory to advise the Senate what essential changes it makes in the existing law.

Mr. LODGE. I was going on, if the Senator will allow me, to explain my position. I was going to say that when three Senators on the committee—and, as far as I know, all the members of the committee who have given it attention—assure the Senate that it is an advisable thing to do to take this section drafted by the Interstate Commerce Commission as a proper substitute instead of perfecting it laboriously here by amendments line by line, which would take the whole day, I am sufficiently poor spirited to be ready to accept the say-so of the committee; and I think when they assure us of that we can trust the committee to that extent.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Virginia?

Mr. LODGE. Certainly.

Mr. DANIEL. I should like to ask the Senator from Massachusetts a question. I observe that the proposed section 6, which the amendment says is to be inserted in lieu of section 6 of the bill, relates to subjects other than those embraced in section 6 of the bill. I observe also that there are subjects covered by section 6 of the bill that are omitted in the section 6 which is offered instead thereof. In other words, section 6 readopts section 16a and inserts after section 16 of the interstate-commerce act section 16a, and section 16a provides for an application for a rehearing and rules therefor. The new section offered leaves out all of that, and we do not know, without an explanation at least, where we would be if we adopt this section in lieu of the one which comprehends another matter.

Mr. LODGE. Mr. President, it all appears plain in the memorandum read at the desk. It appears that the clauses referred to that were left out are covered by later insertions.

Mr. DANIEL. There are no later insertions here.

Mr. LODGE. And by other clauses in the bill. I do not profess to be expert about the bill, but it seems to me that if we can not take the statement of the committee on details of this kind we shall occupy a good deal of unnecessary time in the completion of the bill.

Mr. ALDRICH. The Senator from Virginia confuses section 6 of this act with section 6 of the interstate-commerce act, which is proposed to be amended by the second section of this act.

Mr. DANIEL. There is no explanation of that in the amendment. I see nothing to indicate that.

Mr. KEAN. The amendment, I will say to the Senator, is offered to section 2 of the bill, which is to amend section 6 of the interstate-commerce act.

Mr. BEVERIDGE obtained the floor.

Mr. DANIEL. But the offering of this amendment in the proposition named would seem to refer to section 6 of the pending bill.

Mr. KEAN. It is section 6 of the interstate-commerce act.

Mr. LODGE. Not section 6 of this bill, but section 6 of the interstate-commerce act.

The VICE-PRESIDENT. It is at the foot of page 3 of the bill.

Mr. DANIEL. I apprehend what is done here, but there is no statement in the amendment as proposed where it is to come in in this bill.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Virginia?

Mr. BEVERIDGE. I yield to the Senator.

Mr. LODGE. I did not know that I had been taken from the floor.

The VICE-PRESIDENT. The Chair understood the Senator from Massachusetts to have yielded.

Mr. LODGE. I yielded to the Senator from Virginia. Then the debate became general and I sat down.

Mr. DANIEL. My only purpose was to find out from the reading of the paper where it would apply.

Mr. LODGE. I will say as preliminary that I do not pretend to be in the least familiar with the details of this section. It refers to section 2 of the bill before us and to section 6 of the interstate-commerce law, not to section 6 of the pending bill. I think that will aid us in understanding it as a preliminary.

So far as I can make out from listening to the memorandum read at the desk and the discussion which has occurred and from reading and comparing the amendments, it seems to me simply to be a redraft in better form of what is before us here in section 2, and that the omitted portions, so far as I have been able to trace them, are covered by later insertions. That is only what I have learned from the committee and from the debate this morning.

Mr. BEVERIDGE. Mr. President, it appears to me that the method of this proposed amendment is seriously important to the Senate. For three months the Senate has been considering this bill and its amendments. For a long time before that the House considered the bill, and the House then sent it to this body. For months the Interstate Commerce Committee held hearings and deliberated upon this measure. And now, after this lapse of time, upon the eve of the passage of what some have termed the most important measure that has been passed since the civil war, a method of amendment is proposed which con-

sists of merely offering, without explaining the differences, an amendment five pages long to take the place of five pages of the bill.

The Senator from Wisconsin [Mr. SPOONER] has addressed every Senator who has advocated this amendment and asked each Senator to point out the changes, and although two of those Senators are members of the committee they have not been able in detail to do so.

It thus appears, Mr. President, that as a method of safety in legislation we had better consume the few additional moments or even the few additional hours that are suggested by the Senator from Massachusetts as being necessary before we adopt an amendment about which the Senate knows nothing. It might be satisfactory to the Senator from Massachusetts, it might be satisfactory to two or three other Senators, and it might, if we understood it, be satisfactory to the entire Senate; but it must be patent to every one that if this method of amendment is adopted any evil and any vice might creep into a law for which every one of us would be responsible before the country, and for the putting in of which we could give no excuse except that we took the word of some person else.

It occurs to me that if the bill was worth pending three months in discussion and many more months in investigating before it was reported, now when it is upon the eve of its passage it is worth taking a few moments to find what is contained in an amendment which involves five pages of the bill.

Mr. LODGE rose.

Mr. BEVERIDGE. I yield to the Senator from Massachusetts.

Mr. LODGE. I was only going to suggest that in the memorandum which has been read at the request of the Senator from South Carolina it seems to me all the changes are explained. I may be wrong, however.

Mr. BEVERIDGE. The Senator from Colorado [Mr. TELLER], who is one of the most observant and closely interested Senators in this body in all matters of practical legislation, said he did not understand from the casual reading the explanation made in that memorandum.

Mr. LODGE. He can send to the desk for it and read it.

Mr. BEVERIDGE. Senators sitting around me have the same experience. I call the attention of the Senator from Massachusetts to the fact that that memorandum assumes to explain merely the detailed amendments which were to be offered by the Senator from South Carolina. It was not read as an explanation of the five pages of amendments which were offered by the Senator from New Jersey.

I call the attention of the Senate to the fact that what we are now confronting is a method of proposed amendment which, after months of debate upon a bill which everybody declares to be exceedingly important, proposes to take out of the bill the committee has reported and that the Senate has been discussing five pages and introduce five other pages. If the mere statement of that proposition does not show the recklessness of such a method, I can not imagine any language that could exhibit the recklessness more plainly.

It may be that the proposed amendment is precisely the thing the Senate wants to adopt. The important thing is that the Senate does not know whether it is the thing it wants to adopt. It is the method, Mr. President, to which I raise objection, and which, it occurs to me, is more important perhaps than the amendment itself. If that method of procedure be allowed in the Senate, then why not introduce a substitute for the entire bill, which might be satisfactory to two or three members of the committee?

Mr. FORAKER. Mr. President, I am a member of the committee that had this bill under consideration and from which there was finally a report made. In view of all that has been said about the responsibility of the committee in that connection, I think it is due to the committee to say that we received from the Interstate Commerce Commission a bill which we understood they had prepared with very great care. It was then taken under consideration, and after it had been considered for a few days, before we had reached any final conclusion with respect to it, when we were in good faith debating its respective provisions, we learned from the newspapers and otherwise that that bill, by the friends of the proposed rate legislation, had been abandoned, and that another bill had been substituted; and in a printed form it was brought before us for our consideration. Later that bill was introduced in the Senate by the Senator from Iowa [Mr. DOLLIVER]. We never had any opportunity in the committee to compare the two bills and take action with respect to them which would show our preference for the one over the other.

The truth is that the whole matter is properly characterized in this memorandum from the Interstate Commerce Commission—and it is the language I wanted the Senator from Colorado [Mr. TELLER] to have read a few minutes ago, so that every Senator here might have the benefit of it—when they say:

> The sixth section of the present law, and as it is proposed to be substantially reenacted with a few amendments in the Hepburn bill, is framed upon no consistent or reasonable theory or plan.

That is exactly true. That is the kind of a bill we have, relating to the most important subject we have had under consideration, as the Senator from Indiana [Mr. BEVERIDGE] a few minutes ago well said, since the civil war. That is the kind of a bill that has been prepared and brought in here, and with respect to which in that committee we could not consider and act upon any amendment whatever. Every amendment was cut off from consideration by the action that was taken by a majority of the committee. All these matters would have been carefully gone over and would have been carefully considered and acted upon.

When the bill was thus brought in, when consideration of the bill was thus denied, when opportunity to act upon it was thus prevented, I do not wonder that now as we come to consider it in the Senate we have this kind of difficulty. It is a serious difficulty. I am not satisfied with the sixth section, either as it is in the bill before the Senate or as it is in the bill as it was originally prepared by the Interstate Commerce Commission; but I am of the opinion, in view of the comments the Interstate Commerce Commissioners have made, that their section as they originally prepared it and sent it to us is a better section than the one in the bill before the Senate. For that reason I am disposed to favor the amendment that has been offered by the Senator from New Jersey as a substitute as he has proposed.

But, Mr. President, except you take up this printed memorandum and read it through from beginning to end, you will have very great difficulty to tell just what the distinctions are. As the Commission point out, one of the most serious difficulties is that this section, which was framed without regard to any reasonable theory or plan—I believe is the language of the Commission—is what we had no opportunity to change. The Senator from Iowa [Mr. DOLLIVER] has suggested to me that it was framed twenty years ago. That is true, but the Senator adopted it in his bill, and we were given no opportunity to point out its defects or to take any action upon it.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wisconsin?

Mr. FORAKER. Certainly.

Mr. SPOONER. I wish to inquire of the Senator from Ohio if he will kindly state what change this proposed amendment makes in the law?

Mr. FORAKER. I was about to point out that it is impossible, without taking this memorandum in hand and going through it in a detailed way, to point out what all the changes are. But the first one is that the section as embodied in the bill that is under consideration in the Senate deals differently with individual rates from what it does with joint rates. That is one of the objections the Commission urge against the present bill and in favor of the substitution of the amendment that is offered by the Senator from New Jersey [Mr. KEAN].

Mr. BEVERIDGE. That is the only important change?

Mr. FORAKER. That is a very important change. They point out quite a number of others. I will take the time to read it if that is desired.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. FORAKER. Certainly.

Mr. PETTUS. Mr. President, I desire to ask the Senator from Ohio a question.

Mr. FULTON. I ask the Senator if he does not think it would be wise to have section 6 reprinted with these amendments inserted in italics, and that it be passed over for the present in order that we may compare the proposed amendments with the original text more carefully and understand them?

Mr. FORAKER. When it was suggested a few days ago that we should pass over some proposed amendment, it was ruled, I believe, by the Chair, that under the unanimous-consent agreement under which we are acting no amendment could be passed in that way, but that we must discuss and dispose of each amendment as presented.

Mr. ALDRICH. The amendment could be withdrawn.

Mr. KEAN. I do not care anything specially about this amendment. I want to perfect the bill. If there is any objection to it, I have no hesitancy whatever in withdrawing it, so that we may go on with the bill. I want to get through with the bill.

Mr. ALDRICH. I suggest that all these amendments could be withdrawn and that the amendment of the Senator from New Jersey could then be printed in parallel columns with the section as it stands in the bill. Then we could go on with the reading of the third section of the bill.

Mr. FORAKER. I think it would be better to recommit the whole bill and then have some intelligent consideration of it in committee, for never since I have been a member of this body has a committee been deprived of the right to consider and act upon a bill until now, and I hope it will be a long time before any other committee is ever deprived of that right, because sooner or later, in the Senate or somewhere, you must answer for that sort of proceeding.

Mr. PETTUS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. PETTUS. Mr. President, I desire to ask on what page of the pending bill is this amendment to commence?

Mr. TILLMAN. On page 3.

Mr. FORAKER. At the bottom of page 3.

Mr. PETTUS. Section 6 of the bill is on page 18.

Mr. TILLMAN. But the trouble is that the Senator is confusing the two 6's. We are on section 2 of the bill, incorporating in it a new section 6 of the interstate-commerce law.

Mr. PETTUS. I understand that, but the amendment does not state which one of the 6's it is to be a substitute for.

Mr. FORAKER. Let me say to the Senator from Alabama that is a very trifling thing to make serious mention of in connection with this bill.

Mr. TILLMAN. Mr. President, before I proceed and try to get something done, I want to comment just briefly upon the implied criticism and more or less, I will not say vituperation of the committee, but it was bordering on it, of the Senator from Ohio. There was such difference of opinion in that committee and such obstructive tactics, as it seemed to me, to do nothing, emanating from those with whom the Senator from Ohio seemed to be in affiliation, that I almost felt that it was a waste of time to go there, because whenever the committee met the demand would be, "Let us read the bill." It would take an hour to read the bill of from 50 to 70 pages, and by the time we got through reading it would be nearly 12 o'clock, and then we would take up something and immediately the Senator would go to make the speech which he afterwards made in the Senate [laughter]; and with one method of doing nothing and another we simply never did do anything.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. Will the Senator allow me to ask him a question? Did the Senator discover any more diversity of opinion in committee than he has discovered in the Senate?

Mr. TILLMAN. Not half as much, for we were only thirteen there and we have about eighty-five here.

Mr. FORAKER. Will not the Senator admit that he was aware we could agree at any time in the committee if he and all the others who agreed with him had agreed with those of us who were acting with myself, as he has stated? [Laughter.]

Mr. TILLMAN. Undoubtedly, if the majority of the committee had agreed to let the Senator from Ohio and the Senator from Rhode Island have their way, as they seem now about to have it, we could have brought in a bill that was entirely satisfactory to all I do not know how much longer ago than we did.

Mr. FORAKER. And if we had agreed with the Senator from South Carolina we could have reported a bill at any time. In other words, Mr. President, what I want to ask the Senator to admit, as I am sure he will, is that our differences were bona fide differences there just as they are here.

Mr. TILLMAN. Undoubtedly.

Mr. FORAKER. And I think every member of the committee, the Senator from South Carolina included, as emphatically as everybody else, was struggling to consider the bill fairly and to make a good bill that we might report to the Senate.

Mr. TILLMAN. Undoubtedly; but we never did consider any of it. We read it and then immediately we began to talk, and that was the end of it.

Mr. FORAKER. Now, one other question——

Mr. ALDRICH. Mr. President, I rise to a question of order.

Mr. FORAKER. Does not the Senator from South Carolina think it would have been well if we had read the bill even oftener than we did?

The VICE-PRESIDENT. The Senator from Rhode Island rises to a question of order.

Mr. ALDRICH. It seems to me this discussion is out of order. It is simply a discussion about what transpired in committee several months ago. It has nothing to do with this question.

Mr. TILLMAN. I did not feel willing to let all the blame appear to rest on the majority that had brought the bill out of committee.

Mr. KEAN. Mr. President, I withdraw the substitute; and I hope we will now go on with the bill.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his proposed amendment.

Mr. TILLMAN. I hope Senators will get the amendments now and let us do something. On page 3, line 24, after the word "shall," I move to insert the words "file with the Commission created by this act and."

The VICE-PRESIDENT. That has been agreed to.

Mr. TILLMAN. Then, in line 25, at the bottom of page 3, after the word "showing," I move to insert the word "all."

The VICE-PRESIDENT. That has been agreed to.

Mr. TILLMAN. Then, on the top of page 4, in the first line, I move to strike out the word "the."

The VICE-PRESIDENT. That has been agreed to.

Mr. TILLMAN. Then, on page 4, lines 1, 2, and 3, I move to strike out the words—

of passengers and property which any such common carrier has established and which are in force at the time upon its route.

And to insert—

between different points on its own route and between points on its own route and points on the route of any other carrier, by railroad or by water, when a through route and joint rate have been established.

Mr. ALDRICH. Mr. President, I object to the words "or by water," because they are put into this section where they ought not to be and in a manner which will raise great doubt about what is their meaning. I suggest that the Senator accept the language which was contained in the amendment suggested by the Senator from New Jersey, which reads as follows:

Between points upon its own route and between points upon its own route and points upon the route of any other carrier when a through route and joint rate have been established by agreement or otherwise.

That accomplishes the same purpose and leave out the words "or by water," which may have a very doubtful meaning in this connection. If the Senator is willing to accept that language I will——

Mr. TILLMAN. I can not accept anything. The Senate must accept it. If we turn only to page 1 and read in section 1, commencing in line 8, we come on that very phraseology:

Or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment.

It seems to me that the language "or by water" would apply to a through route which would be a combination of railroads and steamboats.

Mr. ALDRICH. I am not sure whether it would or not. Therefore I move to amend the amendment of the Senator from South Carolina by substituting the language I have just read.

The VICE-PRESIDENT. The Senator from Rhode Island proposes an amendment to the amendment, which will be read by the Secretary.

The SECRETARY. In lieu of the amendment proposed by the Senator from South Carolina insert:

Between points upon its own route and between points upon its own route and points upon the the routes of any other carrier when a through route and joint rate have been established by agreement or otherwise.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Rhode Island to the amendment of the Senator from South Carolina.

Mr. NELSON. Mr. President, that amendment of the Senator from Rhode Island ought not to be adopted. The object of that part of the bill is to provide that the carrier shall furnish a schedule of its through rates. A part of that through route may be water as well as land, by steamboat as well as rail, and it ought to be included in the bill. There is no reason at all why it should be excluded.

Mr. ALDRICH. I think the Senator from Minnesota is entirely mistaken. The language which I propose to insert is the language of the bill which the Interstate Commerce Commission itself prepared and offered as a substitute for the pending bill. A through route is a through route by rail or water, and it makes no difference whether the language is used or not. My objection is that the words "or by water" would in this connection give an entirely different force and effect to the provision than it would have if the words were left out. I am not sure but that it might apply to all water rates on the Lakes or on the Atlantic seacoast.

Mr. NELSON. If the Senator will allow me to interrupt him, it is intended to cover the case where a route is partly by rail and partly by water.

Mr. ALDRICH. That is a through route within the provisions of the bill.

Mr. NELSON. In that case it ought to be included.

Mr. ALDRICH. Undoubtedly. The Senator and I do not disagree about that. The only objection I make is that it may include something much more.

Mr. NELSON. Oh, no; it can not include anything else.

Mr. ALDRICH. If it will meet the objection of the Senator, I suggest that after the words "or by water" we insert "as provided in section 1 of this act."

Mr. NELSON. The word "water" can do no harm there, and it certainly makes the bill clear and specific.

Mr. ALDRICH. I suggest we put in after the word "water" the words, "as provided in the first section of this act."

Mr. NELSON. What is the object in putting in those words?

Mr. ALDRICH. So that the through routes provided for here shall be the same through routes that are defined in the first section of the act and no others, making the two correspond.

Mr. NELSON. There is no need of that correspondence.

Mr. ALDRICH. I think there is. I think there is very great danger——

Mr. BACON. Mr. President, I desire to ask the Senator from Rhode Island a question. I could not hear distinctly what he said in his colloquy with the Senator from Minnesota. I desire to ask the Senator whether he contends that the bill does not contemplate the regulation of interstate commerce, so far as a part of the shipment may be by water?

Mr. ALDRICH. Where they are under one control and management.

Mr. BACON. But the bill goes further than on page 1.

Mr. ALDRICH. I think not.

Mr. BACON. It says "wholly by railroad, or partly by railroad and partly by water, when both are used under a common control, management, or arrangement, for a continuous carriage or shipment."

Mr. ALDRICH. I think, in the section under consideration, we ought not to go beyond the definition given in section 1.

Mr. BACON. I want to ask the Senator this question: Suppose a shipment from Chicago to New York, by rail from Chicago to Albany, N. Y., and by boat from Albany to New York, which can be, of course, prescribed by the shipper; does the Senator contend that that shipment in its entirety, and the rate under which that shipment was made, would not be under the regulation of the Interstate Commerce Commission under this bill?

Mr. ALDRICH. It would not unless——

Mr. BACON. If it is not, it ought to be.

Mr. ALDRICH. It would not unless "both are used under a common control, management, or arrangement for a continuous carriage or shipment." Otherwise it would not be.

Mr. BACON. If it is not under such regulation, then this bill ought to be corrected. If it is true that the bill as now framed would not reach a case of that kind, then there ought to be an amendment which would make it reach it.

Mr. ALDRICH. Then the structure of the bill would have to be changed.

Mr. BACON. I think not.

Mr. ALDRICH. Certainly, it would have to be.

Mr. BACON. I do not think so, Mr. President. I think that interstate commerce is not limited to railroads by any means, but that by every possible reason it should include any through shipment which extends from State to State, any continuous shipment where a part of it is by water, as well as where the whole of it is by rail. By what possible reasoning could the Senator from Rhode Island contend that whereas the Interstate Commerce Commission should have the right to regulate the rate of shipment in case of complaint between Chicago and New York where it was all by rail they should not have the right to regulate it in case of complaint where part of it was by rail from Chicago to Albany and the remainder, from Albany to New York, by water? Upon what reason would the Senator base the contention that that should not be subject to interstate-commerce regulation?

Mr. ALDRICH. Mr. President, the Congress probably has the same power over interstate commerce by water that it has over interstate commerce by land, but there never has been any attempt on the part of Congress to control, and this bill does not contemplate any control, over interstate commerce by water except upon the conditions named in the first section of the bill—that is:

Where—

I read the language again—

any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment), etc.

If it is the purpose of the Congress or of the Senate to extend over interstate commerce by water the authority of the Interstate Commerce Commission other than as here mentioned, that involves an absolute revolution in this proposed act and would import into it purposes and results which no man has yet contemplated in connection with this legislation.

Mr. NELSON. Will the Senator from Rhode Island allow me to put a question to him?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Minnesota?

Mr. ALDRICH. Certainly.

Mr. NELSON. I desire to call the attention of the Senator from Rhode Island to the Chesapeake and Ohio case, which has recently been decided by the Supreme Court of the United States.

Mr. ALDRICH. Very well.

Mr. NELSON. In that case the coal was shipped from West Virginia down to tidewater, thence by water up to New Haven by way of Long Island Sound, and from thence by rail farther up in New England. There was a shipment at both ends by rail and in the middle by water. Does the Senator insist that we ought not to control such a shipment?

Mr. ALDRICH. We ought to have controlled it, and we did control it, because the lines were under one common management and control, and it was a continuous shipment. Those shipments undoubtedly came within the provisions of the interstate-commerce act, but there never has been any attempt made, so far as I know, under the provisions of the act, to control shipments by water other than under such conditions. Does the Senator think that a shipment from Duluth, or from one lake port to another, ought to the put under the provisions of this act?

Mr. NELSON. Not if it is a shipment from one lake port to another. That is different. Here is the language:

Between different points on its own route and between points on its own route and points on the route of any other carrier by railroad or by water when a through route and joint rate have been established.

That is the language. It is not where the entire route is by water, but it is where the route is partly by rail and partly by water. Why should not the public——

Mr. ALDRICH. But suppose——

Mr. NELSON. Let me finish. If the shipment is partly by rail and partly by water, why should not the public at large know what that whole rate is from one point to another, even though part of it is by water? Why should they be limited to having a rate published only where the route is partly by rail and not have the rate for the entire distance?

Mr. ALDRICH. Does the Senator think the language of the first section ought to be enlarged or that these conditions ought to be removed, so that independent shipments by water ought to be included in the through routes and put under the control of the Interstate Commerce Commission?

Mr. NELSON. That is not the point—where it is wholly a shipment by water—but where it is a shipment partly by water and partly by rail, where the goods are billed through. Why, in such a case, should not the schedule of rates be published and fixed as to the entire route and not as to only a part of it?

Mr. ALDRICH. But suppose the part by water is by an entirely independent line, and not under one common control and management and not by continuous carriage or shipment?

Mr. NELSON. If the goods are received and billed through as one continuous shipment, I think they should be under the provisions of the bill. Let me give the Senator from Rhode Island an illustration. In the State of Minnesota the steel trust has large iron mines. They have railroads built from those mines down to the coast on Lake Superior. They charge such rates for shipping ore that the independent lines can not compete with them, and when the State of Minnesota undertakes to regulate the rates they come into court and say that they have shipped their ore billed through from their mines to Cleveland and other ports on the lake; that it is, therefore, interstate commerce and the State can not regulate it. Where the carrier comes in and claims immunity from State regulations on the ground that it is interstate traffic, why should not a shipment of that kind be put under Federal regulation and the carrier be required to publish its rates? If the steel trust ships a carload of iron or a lot of iron ore from the Messaba or from the Vermilion mines in Minnesota, and bills it through to Cleveland as one entire shipment, why should not the public be advised as to the entire rate from the mines to Cleveland?

Mr. ALDRICH. I think I shall have to resume the floor, as the question of the Senator from Minnesota is getting to be too extensive.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Pennsylvania?

Mr. ALDRICH. I do.

Mr. KNOX. It seems to me there is likely some confusion here about a very simple proposition. This bill does not propose to make any change in the existing law as to the character of the carrier to which the provisions of the law apply.

I think the Senator from Minnesota [Mr. NELSON] is entirely correct in his interpretation of the act as it stands, and that contains the same language that is used in the pending bill. In my humble judgment, the Senator from Rhode Island [Mr. ALDRICH] is mistaken when he regards the proposition of the Senator from South Carolina [Mr. TILLMAN] as susceptible of being construed so as to expand the application of the act.

Mr. ALDRICH. Mr. President——

Mr. KNOX. Will the Senator permit me to finish the sentence so as to make my thought entirely clear?

Mr. ALDRICH. Certainly.

Mr. KNOX. The proposition of the Senator from South Carolina is simply applied to the posting of the rates; and whatever transportation between the States is covered by the act, such transportation includes transportation by rail and water when it is used as a continuous carriage, whether under common management or ownership or not.

The mere fact that this amendment proposes that the public should have the benefit of notice of these rates does not expand or enlarge the class of carriers to which the act is intended to apply, and does apply, in my opinion.

Mr. ALDRICH. I was not certain about that myself, and I am glad to have the assurance of the Senator from Pennsylvania [Mr. KNOX]. I was only anxious to know that no such construction would be possible as might be inferred from the use of the words "or by water" in a different connection from the way they are used in the first section of the bill; and I withdraw my amendment to the amendment.

Mr. KNOX. It could not possibly apply to water unless water was a part of the continuous carriage and it was under one common management.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina [Mr. TILLMAN], which has been stated.

The amendment was agreed to.

Mr. TILLMAN. I send the remainder of the amendments which I desire to offer to this section to the desk, and ask that they may be stated.

The VICE-PRESIDENT. The amendments proposed by the Senator from South Carolina [Mr. TILLMAN] will be stated in their order.

The SECRETARY. On page 4, line 7, strike out the word "the" and insert the word "all;" and on page 4, line 7, after the words "terminal charges," insert the words "storage charges."

The amendment was agreed to.

The SECRETARY. On page 4, line 9, after the word "require," insert "all special privileges or facilities granted or allowed."

The amendment was agreed to.

The SECRETARY. On page 4, line 10, strike out the word "of," first occurring in said line, and insert the word "or."

The amendment was agreed to.

The SECRETARY. On page 4, line 11, after the word "charges," insert the following: "or the value of the service rendered to the passenger, shipper, or consignee."

The amendment was agreed to.

The SECRETARY. On page 4, line 13, after the word "be," insert the word "kept."

The amendment was agreed to.

The SECRETARY. On page 4, line 17, after the word "inspected," insert the following:

The provisions of this section shall apply to all traffic, transportation, and facilities defined in section 1 of this act.

The amendment was agreed to.

The SECRETARY. On page 5, line 9, strike out the word "established" and insert the word "filed."

The amendment was agreed to.

The SECRETARY. On page 5, line 11, strike out the words "public notice" and insert "notice to the Commission and to the public published as aforesaid."

The amendment was agreed to.

The SECRETARY. On page 5, strike out lines 23, 24, and 25, and on page 6, lines 1 to 6, inclusive, and insert the following:

The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.'

The amendment was agreed to.

The SECRETARY. On page 6, strike out lines 7, 8, 9, 10, and 11, and the words "Commission of all changes made in the same" in line 12.

The amendment was agreed to.

Mr. CULBERSON. I should like to ask the Senator from South Carolina [Mr. TILLMAN] what is the purpose of striking out, on page 6, from lines 7 to 12, inclusive, the following language:

Every common carrier subject to the provisions of this act shall file with the Commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said Commission of all changes made in the same.

Mr. TILLMAN. The purpose is to require the publication of both through and local rates. There are provisions in the law as it is now which separate the two classes of tariffs or of schedules, and the purpose of all these amendments is to compel the publication of through rates and local rates in the same schedule at the depots.

Mr. CULBERSON. Then this requirement will be provided for otherwise in the bill?

Mr. TILLMAN. Yes.

Mr. BACON. Mr. President, I present now, simply that it may be printed, an amendment which I shall offer to the first section of the bill when we return to it, in order to make free from any ambiguity the provision of the law with reference to water carriage in interstate commerce. I will ask that it be read in order that Senators may have it brought to their attention in the RECORD and can make the insertion themselves in the copies of the bill they have before them.

The VICE-PRESIDENT. The proposed amendment will be stated.

The SECRETARY. In section 1, page 1, line 8, after the word "railroad," it is proposed to insert "or wholly by water;" and also, in section 1, page 1, line 11, to insert the words "by through bills of lading or otherwise."

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

The Secretary will state the next amendment proposed by the Senator from South Carolina [Mr. TILLMAN].

The SECRETARY. In section 2, page 6, line 12, it is proposed to strike out the word "such," at the end of the line.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from South Carolina will be stated.

The SECRETARY. In section 2, page 6, line 13, after the word "carrier," it is proposed to insert the words "subject to this act."

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will state the next amendment proposed by the Senator from South Carolina.

The SECRETARY. In section 2, page 6, line 16, after the word "party," it is proposed to strike out all of the bill down to and including line 23, on page 7.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BACON. What is that amendment?

Mr. NELSON. I should like to hear that amendment read again.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. In section 2, page 6, line 16, after the word "party," it is proposed to strike out all of the bill down to and including line 23 on page 7.

Mr. BACON. Is that an amendment offered by the Senator from South Carolina?

Mr. TILLMAN. Yes.

The VICE-PRESIDENT. It was offered by the Senator from South Carolina.

Mr. TILLMAN. I will explain here that the Interstate Commerce Commission says:

A large portion of the act to regulate commerce and most of the Elkins law was framed to secure adherence to published tariffs. It follows that the provisions of the law respecting the filing and publication of such tariffs should be definite and certain as to joint rates as well as individual rates. There should also be in section 6 a distinct prohibition forbidding a carrier to receive or participate in the transportation affected by the act unless the rates, fares, and charges upon which the same is transported have been filed and published in accordance with the provisions of this section, and that the published rates shall be invariably observed.

This is where the new law and the existing law are in conflict and where there is confusion, and the purpose of the amendment is to try to clarify it.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Carolina.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment of the Senator from South Carolina will be stated.

The SECRETARY. In section 2, page 8, beginning with line 4, it is proposed to strike out to the end of the section, in line 5, page 9.

Mr. NELSON. I desire to call the attention of the Senate to the fact that we agreed to one amendment there, on page 7, lines 7 to 23.

The VICE-PRESIDENT. That was included in the other amendment.

The SECRETARY. In section 2, page 8, beginning in line 4, it is proposed to strike out the remainder of the section and to insert the following:

No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this section; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

Mr. BACON. Do I understand that is proposed in lieu of the provision found on page 8 of the bill?

Mr. TILLMAN. Yes; in lieu of the part stricken out.

Mr. BACON. From line 4, page 8, to line 5, page 9.

Mr. TILLMAN. Yes; this is a substitution for that.

Mr. BACON. I want to say a word about that. The Senator may be correct. Of course I am open to conviction about it and will gladly conform to his amendment if I am shown to be incorrect; but I do not think, Mr. President, that the provision which is proposed to be inserted in lieu of that which is stricken out relates directly to the matter which is incorporated in the provision which is thus proposed to be stricken out. I will read the words proposed to be stricken out, and I will ask the attention of the Senate to them. After providing for the filing of rates and their publication, etc., beginning in line 4, page 8, is the following language:

If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal operating office of said common carrier is situated or wherein such offense may be committed, and if such common carrier be a foreign corporation in the judicial circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commission appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commission, as complainant, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

It will be noted, Mr. President, that that section contains the provisions by which the machinery is provided for the enforcement of the provisions with reference to the publication of schedules. The important fact to which I want to call the attention of the Senate is this, that, while that language is found in the pending bill, it is copied almost word for word from the law as it now stands; and the effect of the adoption of the amendment just proposed by the Senator from South Carolina, if I correctly understand it, will be not simply to change the provisions of the pending bill, but to very materially change the provisions of the existing law.

We have before us a compilation, if I may so term it, which embraces the pending bill and also the existing law as it will be if the pending bill should be passed; in other words, the existing law with the amendments which will be incorporated upon it by the pending bill. By referring to page 36 of that compilation, beginning in the twenty-first line to the end of the twenty-second line on page 37, it will be found that the pending bill is almost identical with the provision in the present law, the only difference being such as indicated by the words stricken out and the words inserted in italics. There are only five changes made in the existing law by the pending provision which it is proposed to strike out. These five changes are as follows—and I state them to show that they are not material changes: On page 37, line 2, after the word "principal" and before the word "office," the word "operating" is inserted, so that it will read, instead of "principal office," as in the present law, "principal operating office;" in line 9 the word "Commissioners" is stricken out and the word "Commission" is inserted; in line 12 again the word "Commissioners" is stricken out and the word "Commission" inserted; and in line 13 the word "complainants" is stricken out and the word "complainant" is inserted. So that, for all practical purposes, the provision of the pending bill which is found on pages 8 and 9, which it is proposed to strike out, may be said to be verbatim the existing law, the amendments which are proposed to it being altogether formal and not material.

So that we have the proposition here, Mr. President, not simply to strike out of the pending bill this provision, but we have the proposition to strike out of the existing law the provisions which have been incorporated, and have been there for twenty years, by which it is sought to enforce the requirements for the publication and filing of these schedules.

What reason is given for such a radical change as that? I have before me the printed slip, with which the Senator from South Carolina has furnished us, containing the reasons which are suggested why these changes should be made. The reason which is suggested for the striking out of this entire page, found as it is both in the pending bill and in the existing law, is this: I read from page 4 of the printed slip:

On page 8, lines 4 to 9—

It evidently means from line 4, page 8, to line 9, page 9—

are stricken out, because the provision for mandamus is wholly covered on page 24, lines 14 to 22, inclusive.

We will turn to page 24 and find that and see. The reason given why not only this provision of the pending bill, but this most important and vital provision in the existing law shall be stricken out, is that there is found on page 24 of the pending bill, from line 14 to line 22, inclusive, the following language:

That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said act to regulate commerce or of any act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

In other words, the present law which is substantially, in fact almost verbatim, stated on page 8 of the pending bill, goes a great deal further than that, and specifies, in the first place, the jurisdiction in which any of these various suits may be filed for the purpose of compelling compliance with the provisions of this act. If Senators will read them—I will not read them again, as I have already read them in the hearing of the Senate—it will be seen that it is most important that the jurisdiction should be defined, because there are cases in which, in the absence of that specific definition of jurisdiction, it would be gravely doubted where the jurisdiction rested if any jurisdiction could be definitely fixed at all.

But that is not the most important part of it. On page 8, in line 18, it goes on further, now, to say what shall be the penalty or what consequences shall flow from the failure of a railroad company to comply with this provision about the publication and filing of schedules. It says this:

The failure to comply with its requirements—

That is, the requirement where the mandamus is issued—

shall be punishable as and for a contempt—

Which is left out of the provision found on page 24.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. BACON. Just let me finish this, and I will, with pleasure.

and the said Commission, as complainant—

This is all left out—

may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

Now, all of that is omitted.

Mr. TILLMAN. Now, will the Senator permit me?

Mr. BACON. I will, with pleasure.

Mr. TILLMAN. The first thing I want to ask the Senator is whether, if a judge issues a writ of mandamus and the party disobeys it, the judge would not punish it as for contempt?

Mr. BACON. He might do it.

Mr. TILLMAN. Would he not?

Mr. BACON. I presume he would, but there are many——

Mr. TILLMAN. Very well. So to provide that the judge shall punish for contempt is not necessary. The second point in the amendment offered here is that instead of leaving it to the judge to declare by proceedings that the carrier must do so and so, Congress declares it right here; in other words, that the carrier shall not engage in interstate commerce unless it does file its rates.

Mr. BACON. That is stricken out.

Mr. TILLMAN. No indeed.

Mr. BACON. I beg pardon.

Mr. TILLMAN. Just read the substitute for it. The Senator was not paying attention.

Mr. BACON. Yes; I think I am paying attention.

Mr. TILLMAN. Will the Secretary read it again? It is stricken out, but there is nearly as much reinserted.

Mr. BACON. There is nothing here in the part to which the Senator calls my attention, and to which he says I have paid no attention, which provides for the filing by the Commission in the circuit court of a bill asking for a writ of injunction against a common carrier restraining it from engaging in interstate commerce.

Mr. TILLMAN. Nothing whatever, because on page 24 there is a general provision empowering the Commission to apply to the circuit court in the case of disobedience to any part of this act. Why do you want to specify that the court shall punish for one thing when there is a general provision authorizing the court to punish for disobedience to any section?

Mr. BACON. The Senator is mistaken. The provision on page 24 does not in any manner authorize the filing of a bill for the purpose of restraining the common carrier from continuing in interstate commerce so long as it disobeys this requirement of the law.

Mr. TILLMAN. By reason——

Mr. BACON. The Senator will pardon me, that I may finish the sentence. On the contrary, it limits the remedy entirely to that of mandamus. Under the law as it now exists and as it has existed for twenty years, the Commission is authorized to apply either for a mandamus or for a writ of injunction, and that which it is now proposed to strike out limits it to mandamus and entirely repeals that part of it. It not only strikes it out of the pending bill, but repeals existing law in the particular which authorizes the Commission to go into court and file a bill for the purpose of restraining a carrier from continuing in interstate commerce so long as it defiantly refuses to obey the plain mandate of the law.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do.

Mr. FULTON. I will ask the Senator from Georgia if under the bill as it is proposed to be amended, where the provision is made——

The VICE-PRESIDENT. The Chair is obliged to inform the Senator from Georgia that his time has expired.

Mr. FULTON. I should like to have the Senator answer my question.

Mr. TILLMAN (to Mr. FULTON). It is now your time; go on.

Mr. FULTON. I call the attention of the Senator from Georgia to the fact that the proposed amendment makes it unlawful for a carrier that has failed to file its schedules to continue in interstate commerce, and a violation of that provision would subject it to the penalties in other portions of the bill. There would be that remedy. The carrier could be prosecuted criminally if it engaged in carrying interstate commerce after refusing to file its schedules. In addition to that is given the right to proceed against it by mandamus and compel compliance. There are two remedies. Surely they would seem to be sufficient.

Mr. BACON. Well, they may be sufficient in the opinion of the Senator, and I presume they are sufficient in the opinion of the Senator from South Carolina, but still the fact remains as I have stated it. I presume the Senator from Oregon is asking me a question so that I can reply in his time. The fact is, as I have stated it, that under existing law there is the additional security given which authorizes the Commission to file a bill to restrain a railroad from continuing in interstate commerce until they comply with the mandate of the law. For what reason that additional security should be stricken out I am not able to find out from the explanation which has been made by any of the Senators.

Mr. NELSON. Mr. President, I concur in the main in the views expressed by the Senator from Georgia [Mr. BACON]. I think the substitute recommended by the Commission in lieu of what is in the bill and what is in the existing law will dilute the effect of the law and make it less effective. By turning to the original bill you will notice that there are two remedies conferred, one by mandamus and the other by injunction, to compel the carrier to file and publish his schedule of rates. While it is true that the remedy by mandamus may be preserved in the bill on page 24, yet certainly the remedy by injunction is not preserved in clear terms. In the paragraph prepared by the Interstate Commerce Commission and presented by the Senator from South Carolina, there is this language:

> No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published, etc.

It provides no remedy. Now, in the provision that is stricken out there is a remedy. I will read a portion of it.

> And the said Commission, as complainant, may also apply—

That is, they may first apply by mandamus to compel the railroad to file and publish the rates, and, if they fail to obey, have them adjudged in contempt. Then it adds:

> in any such circuit court of the United States, for a writ of injunction against such common carrier to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

It goes further than the proposed amendment. The proposed amendment prohibits them from engaging in interstate commerce until they file and publish such rates, but it does not go on and prescribe a clear and efficacious method of enforcing it.

Under the bill as it remains, and that I understand is practically the law, the Interstate Commerce Commission can go into a court of equity and by complaint apply for a writ of injunction and have the carrier restrained from doing interstate-commerce business until it is ready to comply with the order, and that is the most efficacious remedy there is.

So, taking the two propositions together, I think the provisions as they are in the bill are much stronger and more effective and ought to be retained. I say this with all due respect to the opinion of the Interstate Commerce Commission.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina. [Putting the question.] By the sound——

Mr. TILLMAN. I dislike to put the Senate to the trouble of calling the roll, but I am very certain that this proposed amendment is merely to strike out surplusage in the act; because with a general remedy provided on page 24, prescribing punishment for any disobedience to this act, there is no use for this provision at this point.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. TILLMAN. Yes.

The VICE-PRESIDENT. The Chair will state that both Senators have already spoken to this amendment, and under the rule, strictly construed——

Mr. TILLMAN. I call for the yeas and nays.

Mr. TELLER. Let us have the amendment read.

The VICE-PRESIDENT. It will be stated by the Secretary.

The SECRETARY. On page 8, beginning in line 4, strike out the remainder of the section and insert:

> No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this section; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

Mr. TELLER. I want to know whether that is a part of the amendment which the Senator from New Jersey [Mr. KEAN] withdrew.

Mr. TILLMAN. If the Senator will permit me, this has no connection with the Senator's amendment. It is an amendment

offered by me, coming from the Interstate Commerce Commission, and explained in the memorandum. The substitute here enacts into law what the Commission would otherwise obtain only by judicial process. We enact into the law what is forbidden; and if you leave the law like it is, you can not keep these people from engaging in interstate commerce without going to the court, whereas under this amendment Congress prohibits a public carrier from engaging in interstate commerce unless it does publish its rates, and then the provision on page 24 provides punishment for any disobedience of the act.

Mr. TELLER. It seems to me to be rather late to make radical changes in the bill. We have been led to suppose that the bill as it came from the House was the bill which we would be called to vote upon, except some amendments which were to be offered to it, not amendments in the way of emendations from the bill, but additions to the bill. I do not know but that this will make it better. In fact, I think, to tell the honest truth about it, that almost anything would make the original bill better than it is. But at the same time I should like to have this proceeding go on in such a way that we would know what kind of a bill we have got. I suppose when these amendments are adopted, if they are adopted (without anybody knowing what they are or what their effect is), we will have an opportunity in the Senate to continue the debate indefinitely. It seems to me, if we are to go on and add new things we had supposed were settled, we will open the door for absolutely unlimited debate on this subject, and it will take you till next month to get through with this bill. If there is necessity for this class of amendments, I am quite contented that they shall be made, but I should like to know what evil in this bill is to be cured by this class of amendments.

Mr. TILLMAN. I do not want to seem to criticise the Senator, but that has been explained twice, and if he did not hear it because he was out of the Chamber, at lunch or somewhere else, I can not help it.

Mr. TELLER. A man can not stay here all the time, and I think I stay here as many hours as any other Senator on the floor.

Mr. TILLMAN. I will try to explain it, if the Senator will hold the floor. I have been notified that I have consumed my time. I have already explained it twice.

Mr. TELLER. This is an unusual method. It is not the custom to debate a bill for three months, and then at the last moment have these amendments come in without any opportunity to know what they are. It is not unreasonable that a Senator who has given some attention to the bill should like to know why these changes are made, and whether they are necessary to be made. He might inquire, I think properly, why they were not made thirty or sixty days ago. Now, I will hear any suggestion the Senator from South Carolina wishes to make.

Mr. TILLMAN. The Senator has already been informed that this bill was not considered in committee at all. While it was in committee it was never considered with any view to amendment or change, and all the debate we have had in the Senate has been largely on the court-review proposition and the proposition to prohibit the issuance of injunctions suspending the Commission rates. We have not discussed the balance of the bill at all in the Senate, and we never discussed it in the committee.

Mr. TELLER. I do not mean to criticise the Senator who has this bill in charge. I know the difficulties he has had presented to him. I know there was some difference in committee, and that the bill came to us from the committee without any change recommended by the committee.

For myself I want to say now, because I may not have another chance to say it, in my opinion, it is an exceedingly bungling bill from beginning to end. It seems to me it might have been changed in committee, and it also seems to me it might have been changed in the Senate within the last three months. I think it needs some change. I was led to suppose from the silence in reference to some of these amendments at least that they had been settled.

It is not the usual method of dealing with a subject. We repeat in this bill the law that now exists, and then make changes in it. I do not want to make any disturbance or delay anything, but I shall reserve the right to go and get lunch and not be criticised because I did not hear what the Senator from South Carolina said in my absence.

Mr. BACON. I should like to make a suggestion to the Senator from Colorado.

The VICE-PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia.

Mr. TELLER. I do.

Mr. BACON. I simply want to call his attention to the fact that the particular point at issue here is that the act of 1887 provides that under certain circumstances, where a railroad company fail to file certain schedules, the Commission may go into court to enjoin them from proceeding with interstate business until they comply with the law, and that this amendment strikes that out and at no other place does it insert anything in lieu hereof. This is the point I make.

Mr. TELLER. Then it does not seem to me that it is an improvement on existing law.

Mr. BACON. I am opposed to the amendment for that reason.

Mr. ALDRICH and others. Question!

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina.

Mr. DANIEL. Mr. President, before the vote is taken upon the amendment, I should like to understand the theory of it better than I do now. I hope I may be permitted to say that, like the Senator from Colorado, I can not stay on duty in the Capitol more than eight or ten hours without taking my eye off a particular thing. I was out of the Chamber for a few moments, meeting a delegation of my own people who are here to see me upon business that is being considered in a committee, and for that reason I did not hear the explanation which has been offered by the Senator from South Carolina of an amendment which deprives this bill of one of the remedies provided. I hope he or some one else who is behind this amendment will kindly explain it. I believe I have fifteen minutes, and I will be glad, if I can, to yield it for that purpose.

Mr. TILLMAN. Mr. President, I want first to apologize to the Senator from Colorado, if the Senator from Virginia will permit me, for having indicated that it was impossible for me to explain to Senators who kept going in and out and who on returning to the Chamber had missed hearing an explanation. I am not criticising the Senator from Virginia or anybody else. The Senator says he can not remain in the Capitol on duty more than eight or ten hours. It has been my misfortune to have to remain on duty, regardless of my own feelings or anything else, whenever this bill was up, and I have tried to do so.

Mr. DANIEL. I beg leave to say that I have been here whenever the Senator from South Carolina has been, and oftener, too, and I do not wish anything I say to be disparaged by being brought in contact with anybody else. I have no doubt that every Senator is trying to do his duty as best he can.

Mr. TILLMAN. I was trying to apologize to the Senator by saying that I can not explain it to Senators unless they are here. I twice tried to explain it. I will try now for the third time.

Mr. DANIEL. Everyone knows he can not hear when he is not present.

Mr. TILLMAN. The purpose of all these amendments which have been inserted—a good many things have been put in since the Senator went away—is to perfect the language and the structure. The law as it now stands is involved and contradictory, because they dovetailed the act of 1889 and the act of 1887 together. Then the Elkins law has come along and imposed punishments for things that are provided for here. This very provision here about injunction and mandamus, which the Senator will find on page 8, the line proposed to be stricken out, is to compel a carrier to publish his rates, and if he does not publish them the Commission may go into court and, by mandamus or injunction proceedings, prohibit him from entering into interstate commerce.

The amendment which I have offered here, coming from the Interstate Commerce Commission, by an act of Congress provides that a man shall not engage in interstate commerce unless he does publish his tariff. Then the punishment for a disobedience of this provision is to be found on page 24, where the penalty clauses of the entire bill come in, and any obedience to any of its parts is provided for.

If Senators want to provide, in addition to the mandamus proceeding provided on page 24, for injunction proceedings and punishment for contempt, I submit to them they can do it there and preserve the two classes of punishments just as well as to put it in here and then go on over there and put it in again. It is already in over there.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. TILLMAN. The Senator from Virginia has the floor.

Mr. DANIEL. I give up the floor.

Mr. BACON. Is it not true——

Mr. ALDRICH. Mr. President, I rise to a question of order.

The VICE-PRESIDENT. The Senator from Rhode Island will state his question of order.

Mr. ALDRICH. The construction which is being put upon the rule and understanding is such that Senators make four

or five different speeches upon the same question right along under the guise of asking a question of somebody. The Senator from Georgia has made three or four speeches since I have been in the Chamber.

Mr. BACON. Mr. President——

Mr. ALDRICH. The Senator from South Carolina has certainly made three in the last half hour.

The VICE-PRESIDENT. The Chair is of opinion that the Senator from Georgia has exhausted his rights under the rule.

Mr. BACON. I only want to ask a question and not to make an argument.

Mr. TILLMAN. I have already been taken down. I would be willing to get down and stay down if I could get the bill through. The Senator from Virginia took the floor. When he sat down, that cut me off and it cut off the Senator from Georgia, and nobody has a right to speak unless it is some one who has not spoken on the amendment.

Mr. BACON. I have twice attempted to ask the Senator this question, and it has been objected to by others, and this particular question has never been asked.

The VICE-PRESIDENT. The time of the Senator has expired, under the rule. The question is on agreeing to the amendment of the Senator from South Carolina.

Mr. DANIEL. I ask that it may be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. RAYNER. Mr. President, I think I can explain this matter in a few words. This section cuts out the writ of mandamus, but the writ of mandamus is provided for on page 24. It does not provide any penalties, because the Elkins Act provides the penalties. Now, when we come to page 24 we can incorporate the injunction. That is the proper place for it to be incorporated, because that applies to a violation of any section at all of the act.

Mr. BAILEY. Does not the Senator from Maryland think that when Congress makes a given act unlawful an injunction would lie against it unless expressly forbidden?

Mr. RAYNER. I was just going to say that there is no necessity for providing for a writ of injunction. If the act makes a thing unlawful, of course you can enjoin; but if you have it specifically provided for, the place to provide for it is on page 24, because that provides for a mandamus against any violation, and we can add to it an injunction for any violation, and then you have the penalties of the Elkins Act. So you have the mandamus, you have the injunction, and you have the penalties, and I do not think you want anything more.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. TILLMAN].

Mr. BACON. With the permission of the Chair, I desire to state that I will be content if the provision is put into the section as the Senator from Maryland indicates.

Mr. RAYNER. I will offer it.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk, to immediately follow the amendment just adopted.

Mr. LONG. I call the attention of the Senator from South Carolina to the fact that he has one other amendment not yet acted upon. The words at the top of page 9 should be stricken out.

The VICE-PRESIDENT. That portion has been stricken out.

Mr. TILLMAN. From the top of the page to the end of the section has been stricken out.

The VICE-PRESIDENT. The amendment proposed by the Senator from Wyoming [Mr. WARREN] will be stated.

The SECRETARY. It is proposed to add at the end of section 2 the following:

That in time of war or threatened war preference and precedence shall, upon the representation of the President of the United States of the need therefor, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

Mr. WARREN. I think there can be no objection to the amendment. The War Department regards it as absolutely necessary.

The amendment was agreed to.

Mr. LA FOLLETTE. I offer the amendment which I send to the desk, to come in at the end of section 2.

The VICE-PRESIDENT. The amendment proposed by the junior Senator from Wisconsin will be stated.

The SECRETARY. After the amendment just adopted insert as section 2a:

SEC. 2a. That there be added after section 6 of said act a new section, to be known as section 6a, and to read as follows:

"SEC. 6a. Every person shall be deemed guilty of a misdemeanor who shall, directly or indirectly, do, or cause, procure, or solicit to be done, or assist, aid, or abet in the doing of any of the following acts, namely: Any act of unjust discrimination as defined in this act, any fraudulent act or false representation by which transportation is obtained or attempted to be obtained at less than the lawfully established rate. Said misdemeanors shall be punishable by imprisonment at hard labor not more than five years nor less than one year or by fine not exceeding $20,000 nor less than $1,000."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the junior Senator from Wisconsin, which has just been read.

Mr. LA FOLLETTE. Mr. President, the amendment which I offer imposes the penalty of imprisonment from one to five years for any act of unjust discrimination, as defined in the interstate-commerce act and the Elkins law amendatory thereof. It makes no change in the punishment by fine provided in the Elkins law, which is from one thousand to twenty thousand dollars. My amendment proposes the additional alternative penalty of imprisonment for violations of the law, now punishable by fine only.

It is the experience of mankind that respect for law is in some degree dependent upon the penalties imposed for its violation. The penalty must be severe enough to deter those disposed to violate its provisions from incurring the risk of so doing. It is a matter of small concern to the railroad to pay a fine for lawbreaking when they can exact the money from the public to meet the payment. The railroad official shrinks from serving a term of imprisonment. The testimony taken by the committees of Congress and the reports of the Interstate Commerce Commission bear witness to the fact that the railroad companies of the country undertook very soon after the enactment of the law of 1887 to have stricken out of that law the penalties of imprisonment provided for its violation. The Interstate Commerce Commission appeared from time to time before the committees of Congress and opposed the change. Notwithstanding this, the change was made when the Elkins law was enacted in 1903. Since that time violations of the interstate-commerce law have been punishable by fine only.

As early as 1891 the Interstate Commerce Commission, in opposing the repeal of the penalty of imprisonment, said:

The imposition of criminal penalties upon railway officials, as well as the corporation itself, where such officials participate in a violation of the law is unquestionably a wise and salutary feature of the act. Indeed, in those cases where punishment by imprisonment is prescribed, such punishment can, in the nature of things, be inflicted only on a real individual or natural person, and not on the abstract entity or artificial person, like a corporation.

In 1894, in meeting the arguments of the representatives of the corporations who were endeavoring to secure the abolition of the imprisonment feature of the interstate-commerce act, the Commission said:

In this connection we may properly allude to certain modifications of the penal provisions of the act which are advocated by many railroad managers. It is proposed by them to exempt the officers and employees of carrying corporations from criminal liability for rate cutting and similar offenses, and to impose such liabilities solely upon the corporations themselves. In brief, the argument is that the extreme severity of the present law operates to prevent its enforcement; that railway managers will not give information against their rivals when the consequence might be the imprisonment of individuals with whom their personal relations are friendly and familiar, but that such disclosures would be freely made if they resulted only in the imposition of a fine upon the offending corporations. We are not prepared to indorse this view. Corporations can act only through their officers and agents, and necessarily an offense against business rectitude and public morality must be committed by some individual who has knowledge of the law, and consciously transgresses its provision. The wrongdoing now referred to involves, in our judgment, a high degree of moral turpitude, which should rightfully subject to exposure and punishment the persons who are guilty of it. We believe that the corporations should themselves be indictable, and regard it a mistake of the present statute that they are not, but we also believe that their officers and agents should remain amenable, as they are now, to the penal obligations of the law. This view includes retention of the imprisonment feature in the tenth section.

These were indeed strong reasons for retaining the penalty which the railroads were so eager to have stricken from the law. And the argument of the Commission did prevail for a time, but the railroad managers were insistent and the Elkins law eliminated imprisonment as a penalty.

Mr. President, I anticipate if there be any discussion of this matter at all, it may be asserted, as it has been heretofore in this debate, that the Interstate Commerce Commission and other advocates of additional legislation have given their approval to the Elkins law. It is possible, sir, to quote general indorsement of the Elkins law from the testimony of members of the Interstate Commerce Commission, and from their annual reports to Congress as well. It is *not possible* to quote from them *any specific indorsement* of the amendment *abolishing* the *penalty of imprisonment* for violations of the law.

As evidence of the fact that repeal of the penalty of imprisonment invites to further violation of the law, I cite the facts

discovered by experts who examined the books of the Wisconsin railroad companies.

The Elkins law was approved on the 19th of February, 1903. Under an act of the legislature of Wisconsin expert accountants were authorized to investigate the books of railroad companies doing business in that State. That investigation began, or was noticed to begin, on the 1st of October, 1903. That was seven months after the Elkins law went into effect. The investigation discloses that the rebates paid by a single company doing business in Wisconsin were as follows:

In January, 1903—I state it only in round numbers—$37,000; in February, $57,000; March, $47,000; April, $36,000; May, $25,000; June, $13,000; July, $101,000; August, $32,000; September, $46,000. The investigation began in October, the payment of rebates for that month fell off to $9,000, and in November to $600, and in December to $2,000. The investigation discloses that one of the railroad companies of that State paid something more than twice as much in rebates to shippers in Wisconsin during the year following the enactment of the Elkins law as they had paid the preceding year.

What was true of Wisconsin is true of other States. The result was inevitable. If the law is to be respected and upheld, those who violate it must be made to suffer such penalties as will cause them to heed and obey its mandates.

If we expect the prohibitions of the interstate-commerce act to be effective, then we should restore imprisonment as a punishment, and I believe increase the term of years imposed as a penalty for its violation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LODGE. Mr. President, before the question is put on this amendment, I desire merely to say that I have an amendment pending which I intend to move at the proper time at the end of the bill, which provides for the restoration of the penal clauses of the original act of 1887, which were repealed in the Elkins law, which I think ought to be restored, and which I think go quite far enough.

Mr. STONE. I should like to have the pending amendment read.

The VICE-PRESIDENT. The amendment of the Senator from Wisconsin will be again read.

Mr. LA FOLLETTE. Before it is read, Mr. President, I wish in response to a suggestion, which I think a good one, to incorporate in line 9, after the word "which" and before the word "transportation," the words "interstate and foreign commerce."

The VICE-PRESIDENT. The Secretary will read the amendment of the Senator from Wisconsin as modified.

The SECRETARY. After line 5, page 9, insert as a new section to be known as section 2a, to read as follows:

SEC. 2a. That there be added after section 6 of said act a new section, to be known as section 6, and to read as follows:

"SEC. 6a. Every person shall be deemed guilty of a misdemeanor who shall, directly or indirectly, do, or cause, procure, or solicit to be done, or assist, aid, or abet in the doing of any of the following acts, namely: Any act of unjust discrimination as defined in this act, any fraudulent act or false representation by which interstate and foreign commerce transportation is obtained or attempted to be obtained at less than the lawfully established rate. Said misdemeanors shall be punishable by imprisonment at hard labor not more than five years nor less than one year or by fine not exceeding $20,000 nor less than $1,000."

Mr. LODGE. Mr. President, I desire to make a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Massachusetts will state his parliamentary inquiry.

Mr. LODGE. If this amendment should be voted down, would it then be in order for me to offer my amendment at the end of the bill, where I have proposed that it should come in as a new section?

The VICE-PRESIDENT. The Chair understands that the Senator's amendment would be in order at the end of the section should the pending amendment be voted down.

Mr. LODGE. My amendment provides for adding a new section. It seemed to me that the proper place for it to come in was at the end of the bill.

The VICE-PRESIDENT. The Chair understands that the amendment would be in order.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Massachusetts what is the number of the amendment to which he refers?

Mr. LODGE. It is on page 141 of the pamphlet of amendments.

Mr. BEVERIDGE. I suggest that it be read at the desk, so that we can all hear it.

Mr. LODGE. I can state it in one moment, if the Senator from Indiana desires me to do so.

Mr. STONE. I yield to the Senator from Massachusetts for that purpose.

Mr. LODGE. It simply amends the Elkins law in such way as to restore the penal clauses of the act of 1887. The Elkins law repealed the penal clauses of the act of 1887, which provided for imprisonment as well as for fines, and which were enforced some thirteen years. My proposed section simply amends the Elkins Act so as to restore the old clauses.

Mr. STONE. Mr. President, I prepared and offered an amendment to the same general effect as that outlined in the statement made by the Senator from Massachusetts [Mr. LODGE]—an amendment to the Elkins law, intending to restore the imprisonment clauses; so that, whatever the phraseology may be, the purpose of the amendment of the Senator from Massachusetts and the one which I have presented differs very slightly, in my opinion.

Mr. President, I think I will not say anything now beyond this, that I feel that the imprisonment clauses, the penalty clauses, of the statute ought to be restored. To say that a person violating this specific law can not be convicted is to impeach the capacity and efficiency of the judiciary. I see no reason why a conviction can not be had, and the penalty of imprisonment imposed, if the facts put in evidence sustain the allegations of the indictment; and I have no doubt in my mind that the fear of imprisonment will have a far more restraining influence upon those who are in charge of these great carrying lines and contribute more to the observance of the law than the fear of a mere fine paid out, ultimately at least, of the treasury of the corporation. I believe, Mr. President, that one conviction followed by one imprisonment would afford a deterrent example of infinitely more importance than a dozen convictions followed by a mere fine.

I shall vote to disagree to the amendment now pending, with the intention of voting to restore all the penal clauses of the act of 1887.

Mr. BEVERIDGE. Mr. President, for the purpose of letting everyone see the difference in the minds of Senators as disclosed by these amendments for enlarging the penalties, and for the reason stated by the Senator from Missouri [Mr. STONE], I ask that the pending amendment offered by the Senator from Massachusetts [Mr. LODGE] may be stated at the desk. It is very brief, I understand.

Mr. LODGE. Mr. President, my amendment does not include the penal clauses. It restores them. It repeals the repealing clause of the Elkins Act.

Mr. BEVERIDGE. I mean that.

Mr. LODGE. If the Senator desires to know the difference, he should have the original act of 1887 read. I presume the Secretary has it at the desk. It is on pages 7 and 8, section 10 of the act as amended March 2, 1889.

Mr. BEVERIDGE. If it comprises as much as two pages, I shall not ask to have it read.

Mr. LODGE. It is a long section.

Mr. BEVERIDGE. Could the Senator not in a few sentences state the difference between his proposition, the proposition of the Senator from Missouri, and the old law?

Mr. LODGE. The old law, as I understand, provided for the imposition of a fine not exceeding $5,000 or imprisonment in the penitentiary for a term not exceeding two years, or both.

Mr. BEVERIDGE. Then I should be very glad to have from the managers of the bill, the Senator from South Carolina [Mr. TILLMAN] and the Senator from Iowa [Mr. DOLLIVER], a statement as to which provision they think preferable.

Mr. HOPKINS. They may not favor either.

Mr. TILLMAN. Will the Senator from Indiana agree to vote for the one which I favor?

Mr. BEVERIDGE. I did not hear what the Senator said.

Mr. TILLMAN. If the Senator wants to put it on me to determine, I will ask him if he will vote for the one which I favor?

Mr. BEVERIDGE. I will say to the Senator from South Carolina that his opinion would probably be very influential, but not entirely conclusive. Perhaps, however, if joined with the opinion of the Senator from Iowa [Mr. DOLLIVER] it might well be conclusive.

Mr. TILLMAN. I shall be glad to get either amendment; but I should prefer this one, because it is shorter and a little harsher.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly, I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Just to say this, that the language in which my amendment is framed is the language of the recom-

mendation of the Interstate Commerce Commission, with an amendment which I suggested here a little time ago, excepting as to the amendment increasing the penalty of the act of 1887, as already stated by the Senator from Massachusetts.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Missouri?

Mr. LODGE. Certainly.

Mr. STONE. I desire to ask the Senator from Massachusetts in his opinion would it not be best to adopt the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], and perfect it by adding the provisions of the amendment he offers?

Mr. LODGE. No, Mr. President; I should say not.

Mr. GALLINGER. That would put them in prison twice.

Mr. LODGE. I think we had much better restore the old clauses of the act of 1887, which seem to me quite sufficient to meet the purpose. It is the fact of imprisonment, not the length of the term, that would be effective. I think the old law is amply sufficient, and I think it is necessary for the same reason as stated by the Senator from Missouri [Mr. STONE].

Mr. STONE. If the Senator will permit me a moment in his time, I said that I felt inclined to vote against the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]; but, upon reflection, I feel rather inclined to vote for it, and then with a view of perfecting it by adding——

Mr. LODGE. I mention this amendment of mine because I wish to say that I shall vote against the amendment of the Senator from Wisconsin, which I think is too extreme and unnecessary. I think the old law which has been in existence, as I have said, for seventeen years is quite sufficient.

It seems to me also I may say, before I take my seat, that the proper place to put this clause is at the end of the bill as a new section. The new section that I have proposed reenacts the provisions of the Elkins law in certain other respects, but repeals the repealing clause and makes all of the offenses subject to the penalties prescribed in section 10 of the act of 1887.

Mr. LA FOLLETTE. Before the Senator from Massachusetts yields the floor will he permit me to ask him a question, as I can not now take the floor in my own right?

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. Certainly.

Mr. LA FOLLETTE. Mr. President, I think I was misunderstood in stating that the language of my amendment is in all respects the language recommended by the Interstate Commerce Commission. I will say that the penalty which was provided in the amendment which I offered is, so far as the imprisonment is concerned, a severer penalty than that suggested by the Interstate Commerce Commission in its recommendation of 1887. The fine recommended by the Interstate Commerce Commission the last time they submitted a recommendation upon this specific paragraph was only $5,000. Since that time the Elkins law has increased the fine to $20,000 as the maximum limit. Therefore, and for that reason, I have incorporated in this amendment the same fine that is provided in the Elkins law, but adopted an imprisonment penalty which I believe would be severe enough to command the respect of the railroad companies themselves.

The VICE-PRESIDENT. Before the Chair puts the question, he will say that under the Chair's interpretation of the unanimous-consent agreement a Senator can not speak in the time of another Senator if he has already occupied the floor in his own right.

The question is——

Mr. LA FOLLETTE. I shall be glad to withdraw my remarks, Mr. President. I ask for the yeas and nays.

Mr. BRANDEGEE. Mr. President, is the amendment open to amendment?

The VICE-PRESIDENT. It is open to amendment.

Mr. BRANDEGEE. Then, I move, in line 5 of the amendment, after the word "indirectly," to insert the word "willfully."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. After the word "indirectly," in line 5, it is proposed to insert the word "willfully;" so as to read:

SEC. 6a. Every person shall be deemed guilty of a misdemeanor who shall, directly or indirectly, willfully do, or cause, procure, or solicit to be done, etc.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Connecticut [Mr. BRANDEGEE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment to the amendment was agreed to.

Mr. DOLLIVER. Mr. President, I do not wish this question to go to a vote without a brief statement. It comes before the Senate somewhat in the shape of a criticism against the legislation of 1903, and I think it is due to the Senate and to the House of Representatives to say that there were before Congress at that time very good reasons for a modification of the penal provisions of the interstate-commerce act.

It is all very well to talk about the severity of these penalties, but the naked and very instructive fact is that from 1887 to 1903 the severity of these penalties had not resulted in the conviction or incarceration of anybody for a violation of this law, and unless I am greatly out of the way the impression was made upon Congress in 1903 that the difficulty of discovering these offenses, all of them secret in their character, was so greatly increased by these severe penalties that, in the opinion of wise and good people, the law would be made more effective if the penalties were abandoned and the prosecution maintained for the imposition of fines on the corporation offending.

I think it also ought to be said in explanation of the action of Congress that, for the first time in the history of our interstate-commerce legislation—since 1903—the Government, by its criminal prosecutions, has succeeded in making any impression upon the secret criminal practices of the railway.

Mr. LA FOLLETTE. May I ask the Senator from Iowa a question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. DOLLIVER. Certainly.

Mr. LA FOLLETTE. Is the Senator aware of the fact, I should like to inquire, that the Federal judge in whose court the Burlington Railway Company was convicted a week or two ago, in imposing a penalty of only a fine said——

Mr. DOLLIVER. Mr. President, I will say that I saw that statement in the newspapers.

Mr. LA FOLLETTE. The statement was that if there was a provision for imprisonment in the penitentiary, much more in the way of insuring obedience to the law might be accomplished.

Mr. DOLLIVER. I saw that, and I am not out of sympathy with the proposition the Senator has presented.

I have already suggested to my colleagues here that I will not hesitate to vote for this amendment, but I regret that it has been presented in the form of a criticism of what Congress has done.

It is also a mistake to say that the criminal provisions of the statute have been entirely eliminated. All of these offenses are in the nature of conspiracies to violate the law, and the indictments which have been found by the grand jury in New York against the trunk lines in connection with the sugar-trust rebates have taken the form of indictments for conspiracy to violate the law, which does carry the penalty of imprisonment as well as fine.

I think the most amazing fact in connection with our railway experience has been the utter indifference to these provisions of the law by the managers of these great properties. Only a year ago one of the most important and influential and, I will add, one of the most reputable railway presidents in the country told me that it was ridiculous to expect the railroads to obey the law on the subject of rebates; and his remark, intended partly as a jest, aroused my indignation. My theory is that the enforcement of these laws does not depend altogether upon penalties, whether fine or imprison. The enforcement of these laws and the obedience of railway managers to the requirements of these acts of Congress rest largely in an aroused public opinion throughout the United States that shall bring these great representatives of property interests to that same respect for the statutes that ordinary people have in the United States.

I have not risen, therefore, to object to the restoration of these penalties, but simply to say a word in explanation of the course which Congress has taken from time to time in the matter and to emphasize a conviction that has been growing upon me that our market place will be delivered from these crimes when the public opinion of the community comes up to the help of these enactments of Congress.

Mr. LODGE. Before the Senator sits down I should like to ask him one question. Of course most of us took part in the legislation of 1903, and if there is any criticism of my proposition to restore the penal clauses it falls on me quite as much as on any other Senator who voted for it; but is it not true that the Department of Justice believe now that it will be for the advantage of the law and its enforcement to restore the penal clauses?

Mr. DOLLIVER. I understand so. I did not rise for the purpose of disputing that. I think that the close scrutiny of

the books and accounts of railway companies provided for in this bill will tend to reveal these crimes which for twenty years were almost inscrutable to the officers of the law. I shall vote very cheerfully to restore these penalties, because I believe that the most serious feature of the railway situation has been the acquiescence of the public, practically by common consent, in this negligence and contempt of the law.

Mr. BEVERIDGE. Will the Senator state which of the provisions he prefers—the one of the Senator from Wisconsin or the other?

Mr. DOLLIVER. I expect to vote for the one offered by the Senator from Wisconsin because that is vigorous, and I have not seen the other or even heard it read.

Mr. BAILEY. Mr. President, I am somewhat surprised to hear the Senator from Iowa say that the railroad managers of this country have been negligent in observing the law, because that implies that the officers whose duty it is to enforce the law are more culpable than the railroad managers themselves. I have yet to learn that in this country the law is to be enforced by those whose misdeeds it is intended to punish, and when it is admitted that the railroad managers have not obeyed the law, it must be because the officers of the Government have not properly enforced it.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. DOLLIVER. I used the word "negligent" as applied to these people inadvertently. Of course I regard the violation of the law as a crime, but the Senator will not deny that the crime is in its very nature such as may elude the eye of the law and go unwhipped through the whole machinery of justice which we have had for the last twenty years.

Mr. BAILEY. Mr. President, I am afraid that the offenses of all rich criminals elude the vigilant eye of the law too often, and I want to see the time come in this country when the richer a man is the more certain it will be that he is punished every time he violates the law of the land——

Mr. DOLLIVER. I have no controversy with the Senator about that.

Mr. BAILEY. Because upon them rests the highest obligation to obey the law. The man of little consequence and of less property owes the law small gratitude for its protection. He feels the Government only when he is summoned to serve upon its juries or called to fight its battles. He never knows what it is to have its officers called to protect his property, and therefore he can be partially excused when he does not respond with alacrity to the call for the protection of the property of other people. But the men who manage the railroads and who conduct the great enterprises of this country owe to the respect for the law and to the obedience of the law the protection of every dollar's worth of property they own; and it is an amazing circumstance to me that those who are the most deeply interested in the supremacy of the law should be the ones who openly admit their repeated and flagrant violations of it.

Restore these penalties, put two of these railroad managers in the penitentiary, and their fate will become a warning to all others. As certain as the swift vengeance of the law shall fall on some the others will desist from their offenses. They love money well enough to take the chances of losing some in the hope of making more, but the rich and prosperous will not take the chance of punishment in the penitentiary. If they can not be brought, out of respect for the law, to obey it, let us put them in the common jail, where they will be powerless to defy it at least for a season.

Mr. LODGE. Mr. President, I move as a substitute for the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] the amendment which I have heretofore submitted. It appears on page 141 of the pamphlet amendments.

The VICE-PRESIDENT. The Senator from Massachusetts moves as a substitute for the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] as amended, the amendment heretofore submitted by him. The proposed substitute will be stated.

The SECRETARY. In lieu of the amendment as amended it is proposed to insert the following:

Section 1 of an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, is hereby amended to read as follows:

"That anything done or omitted to be done by a corporation common carrier, subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts or strictly to observe such tariffs until changed according to law shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give or to solicit, accept, or receive any rebate, concession, or discrimination in respect of the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and shall be subject to the fines and penalties prescribed in section 10 of the act to regulate commerce approved February 4, 1887, as amended by the act approved March 2, 1899.

"Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"In construing and enforcing the provisions of this section the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier acting within the scope of his employment shall in every case be also deemed to be the act, omission, or failure of such carrier as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers, or agents in any prosecution begun under this act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act."

Mr. KNOX. Is an amendment to the proposed substitute now in order?

The VICE-PRESIDENT. The Chair understands not.

Mr. FORAKER. Mr. President, very much like the Senator from Iowa [Mr. DOLLIVER], I do not rise to oppose the amendment of this bill so as to provide the penalty of imprisonment for the violation of the interstate-commerce act or any provision of this bill, if we should see fit to make it a law; but I rise, rather, as he did, to point out how it came that in the legislation known as the "Elkins law," enacted February 19, 1903, we abolished this penalty of imprisonment.

The Senator from Wisconsin [Mr. LA FOLLETTE], speaking on that same point a few moments ago, took occasion to say that the Interstate Commerce Commission had never recommended the abolishment of the penalty of imprisonment. Technically and strictly speaking, that is probably true; but on another occasion I called attention to the fact that in the Seventeenth Annual Report of the Interstate Commerce Commission, which was a report published immediately after the Elkins law was enacted, the Commission took occasion, speaking of that law, to use this language, to which I call the attention of Senators.

Speaking of the Elkins law, the Commission, in the first report after the Elkins law was enacted, said:

The amended law has abolished the penalty of imprisonment, and the only punishment now provided is the imposition of fines. As the corporation can not be imprisoned or otherwise punished for misdemeanors than by money penalties, it was deemed expedient that no greater punishment be visited upon the offending officer or agent. The various arguments in favor of this change have been stated in former reports and need not here be repeated.

I submit that the language thus employed by the Commission indicates what the fact was, that the Commission had a distinct and positive relation to the enactment of the Elkins law. The members of that Commission appeared before the Interstate Commerce Committee, as every member of that committee knows, and every member of that committee knows also that every member of the Interstate Commerce Commission who appeared before that committee represented that there should be that change made in the law.

When I spoke here on another occasion and called attention to that fact, I relied upon the expression made by the Commission in this report, that they had repeatedly in former reports expressed the argument in favor of this change. I relied upon that, and made the statement that they had repeatedly, in their former reports, made that recommendation. I have since then looked through their former reports, and I do not find their former recommendations as strong as I had supposed I would find them from what they had said when they appeared before the Interstate Commerce Committee, and from what they said in their report following the enactment of that legislation. But

I call attention to the fact that in the twelfth annual report, at page 19, speaking of the difficulty of enforcing the law, they say:

If it is asked why the criminal remedies are not applied, the answer is that they have been, and without success. The most earnest efforts have been made by the Commission and by prosecuting officers in various parts of the United States to punish infractions of this law. While some fines have been imposed, no substantial effect has been produced. It is plain to the Commission that satisfactory results can not be obtained from this course. The difficulties in the way of securing legal evidence necessary to a conviction are such as to be in most cases insurmountable. The fact may be morally certain, but the name, the date, the amount can not be shown with the particularity and certainty required by the criminal law.

And so they went on at length. In other reports they have repeated substantially the same statement, calling attention to the fact that in criminal prosecutions to enforce the law it was necessary to prove a violation of the law, according to the rules governing in the trial of criminal prosecutions, beyond a reasonable doubt. That is what they had been unable to do. Therefore they appealed to us to make the law one they could enforce and asked us to abolish the provision providing for imprisonment as one of the penalties.

Now, that is exactly how that proposition came before the Interstate Commerce Committee, as every member of the committee knows. So far as I am aware, no railroad had anything whatever to do with it or even any knowledge of it, although they may have been fully informed. I remember that the very same argument that is repeated here in these reports was made before the committee, and the committee, in passing upon the Elkins law and repealing imprisonment as one of the penalties for a violation of the interstate-commerce act, supposed they were acting in the line of the recommendation of the Interstate Commerce Commission, the recommendations of which body the committee was disposed to follow, so far as I can remember the consideration of that legislation in committee.

Whether that was wise or not, I do not intend to stop to discuss. I remember that I doubted the wisdom of the change at the time when it was done. I think every member of that committee would testify that on my part it was with great reluctance that I reached the conclusion that we ought to favor the abolition of imprisonment for a violation of the law. I was one of the very last to yield to it; but I did, out of deference to the opinion of the members of the Interstate Commerce Commission, because I thought I could understand how it was that they would have difficulty in proving beyond a reasonable doubt in that character of cases the offense for which a man might be indicted.

Another argument that was used was that it did not follow that violators of the law would go free from imprisonment, but that by providing, as we did in the Elkins law, that when it was charged that rebates were being given or other practices were being indulged in, in violation of the law, it should be prohibited by injunction; then, if there should be a further such violation, it would be an act in contempt of court, for which the party could be summoned before the court, when he could be tried for contempt without the difficulty attending a criminal trial, where everything must be proved beyond a reasonable doubt, and imprisonment for contempt could be imposed and the result would be far more efficacious and far more expeditious than it was under the other law.

Now, in another report—I can not tell precisely which one, but I read it only a few days ago; I think it must be about the fourteenth or the fifteenth; I have been unable to put my hand on it, but I know it is in one of them—the Interstate Commerce Commission, speaking on this point, in a report to Congress, said while as a Commission they could not recommend that we abolish imprisonment for a violation of the law, yet they would say that if Congress saw fit to do it there was not a member of the Interstate Commerce Commission who would interpose any objection, because their experience had been such that they would not feel warranted in doing so. Almost that precise language was employed by the Commission.

Therefore I say enough appears in this seventeenth annual report, following immediately after the Elkins law, in which they say it was thought expedient thus to legislate because of the argument which had repeatedly before that time been set out in their reports, to justify us in assuming, without any testimony to the contrary, that the Interstate Commerce Commission did favor exactly this change in the law. They not only favored it, as they stated in the report, by fair interpretation, but they favored it positively and aggressively, as every member of the Interstate Commerce Committee knows, by appearing before that committee and making statements to that effect.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. FORAKER. Certainly.

Mr. GALLINGER. The Senator from Ohio is giving very interesting testimony on this point. I wish to ask him if the Interstate Commerce Commission, at any time since then, has asked to have the penalty of imprisonment restored?

Mr. FORAKER. Never; never since then; and, as the Senator from Iowa well says, Mr. President, everything that is being done to-day to break up the practices about which complaint is made is being done under the Elkins law, and the very best legislation we can enact here is to broaden and strengthen the Elkins law so as to make it still more effective, as we easily can. If we have in view only the correction of evils, that is the sure way to reach them.

Take the report made by Commissioner Garfield a few days ago. I read it through with care, in so far as we have been favored with it. Assuming that all he says is true, about which I do not know anything except that his facts are disputed to some extent, but, assuming for the sake of the argument that they are all true, there is not one thing pointed out by Mr. Garfield, not one evil mentioned by him, that the bill we now have under consideration will reach or remedy—not one. The evils he complains of all consist, in one form or another, of rebates and discriminations, open and secret, practiced under every kind of guise, in every sort of form that the ingenuity of railroad officials and shippers could suggest. Not one of them can you reach by this legislation, upon which we have spent three or four months of time. On the contrary, there is not one of them that you can not reach in fifteen minutes in a court of equity having competent jurisdiction under the Elkins law. There is no rate or discrimination pointed out by him that you can not reach.

It may be true, and doubtless is, as the Senator from Wisconsin says, that after the Elkins law was enacted it was discovered that rebates were being granted in Wisconsin. I do not know anything about the conditions there. But I do know that if the Elkins law had been enforced by the officials charged with the duty of enforcing it under the law there would not have continued any such condition of things, and there is no law on the statute book that now provides, and this bill if enacted will not provide, any remedy whatever against rebates. The House committee, in their report, said they did not undertake to deal with rebates and they did not undertake to deal with discriminations between shippers. They did not undertake to deal with anything except only excessive rates, the least troublesome and the least burdensome evil there is.

Mr. President, I have here a statement which I took out of a publication called "Freight." It comes to me through the mail, through the kindness of somebody who favored me with it, in which there is from week to week a discussion of this legislation that is proposed and of everything pertaining to the freight business throughout the country. On page 243 of the number I have before me, which is dated New York, May, 1906, I find a statement as to the proceedings under the Elkins law. It gives the number of decisions by the courts sustaining and enforcing that law, and there are quite a number of them, all of them important cases. There was the New Haven Coal case, one of the most important cases decided by the Supreme Court of late years. That was under the Elkins law. There was the Trans-Missouri Freight case, involving a question of discrimination between communities. That was under the Elkins law. There was the case of the packing houses as against the live-stock men—I have forgotten the style of the case—decided by Judge Bethea last January or February. That was under the Elkins law. There was the case a few days ago of the Chicago, Burlington and Quincy road, where that corporation was fined heavily. That was under the Elkins law. There was the case of the Fairmont Coal Company in West Virginia, where the proceeding was by mandamus to compel equal treatment in furnishing cars. That was under the Elkins law. In every one of these cases there was relief instantly at the hands of the court upon application for a restraining order or a writ, which was finally made permanent.

Mr. KNOX. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Pennsylvania?

Mr. FORAKER. Certainly.

Mr. KNOX. Let me suggest to the Senator from Ohio that the very important case of Baer *v.* The Interstate Commerce Commission, which decided that the anthracite coal combination had to expose its books for examination, was under the Elkins law.

Mr. FORAKER. That was under the Elkins law.

Mr. KEAN. And the tobacco case.

Mr. FORAKER. And the tobacco case, as the Senator from New Jersey suggests, decided only recently. It was under the

Elkins law. So it is that in every instance where the Elkins law has been invoked it has given instant relief, because in every one of these cases upon the filing of a bill a temporary restraining order or writ of mandamus or other order was allowed, which ultimately was made perpetual.

The VICE-PRESIDENT. The time of the Senator from Ohio has expired.

Mr. FORAKER. Allow me time enough to put in the RECORD this list of cases, and at another time I wish to point out and compare the cases decided by the Commission with those decided by the courts, when it will be found that the courts are far more expeditious.

The VICE-PRESIDENT. The cases will be inserted in the RECORD, as requested by the Senator from Ohio, in the absence of objection.

The cases referred to are as follows:

PROCEEDINGS UNDER THE ELKINS LAW.

ST. PAUL, MINN., *April 25, 1906.*

EDITOR OF FREIGHT.

SIR: Can you advise me the proceedings which have been instituted under the Elkins law?

J. G. WEST.

The proceedings under the Elkins law are as follows: Fifteen injunctions to enjoin departures from published rates, twenty-one indictments for violation of the act, three indictments for conspiracy to violate the act.

The decisions of the courts upon this law are as follows: United States *v.* Mich. Cent. R. R. Co., 122 Fed., 544; W. Va. N. R. R. Co. *v.* United States, 134 Fed., 198; I. C. C. *v.* C. and O. R. R. Co., 128 Fed., 69, — U. S., —; Mo. Pac. R. R. Co. *v.* United States, 189 U. S., 274; United States *v.* A., T. and S. F. R. R. Co., — Fed., — (Judge Phillips).

Proceedings in the courts under the Elkins law:

1. DECISIONS.

United States *v.* Mich. Cent. R. R. Co., 122 F. R., 544.
W. Va. N. R. R. Co. *v.* United States, 134 F. R., 198.
I. C. C. *v.* C. and O. R. R. Co., 128 F. R., 69, — U. S., —.
Mo. Pac. R. R. Co. *v.* United States, 189 U. S., 274.
United States *v.* A., T. and S. F. R. R. Co., — F. R., — (Judge Phillips).

2. INJUNCTIONS TO ENJOIN DEPARTURES FROM RATES.

United States *v.* C. and N. W. R. R. Co.
United States *v.* Ill. C. R. R. Co.
United States *v.* Mich. Cent. R. R. Co. (See decisions.)
United States *v.* Pa. Co.
United States *v.* P., C., C. and St. L. R. R. Co.
United States *v.* L. S. and M. S. R. R. Co.
United States *v* Wab. R. R. Co.
United States *v.* A., T. and S. F. R. R. Co. (See decisions.)
United States *v.* C., R. I. and P. R. R. Co.
United States *v.* C., M. and St. P. R. R. Co.
United States *v.* C. and A. R. R. Co.
United States *v.* C., G. W. R. R. Co.
United States *v.* Mo. Pac. R. R. Co.
I. C. C. *v.* C. and O. R. R. Co. (See decisions.)
United States *v.* C., B. and Q. R. R. Co.

3. INDICTMENTS.

United States *v.* Zorn, Williams & Bushfield.
United States *v.* C., B. and Q. R. R. Co.
United States *v.* Swift & Co.
United States *v.* Armour Packing Co.
United States *v.* C. and A. R. R. Co.
United States *v.* C., M. and St. P. R. R. Co.
United States *v.* Cudahy Packing Co.
United States *v.* Faithorn, Wann, and C. and A. R. R. Co.
United States *v.* Nelson Morris & Co.
United States *v.* Kreskap.
United States *v.* C., B. and Q. R. R. Co. and Miller and Burnham.
United States *v.* G. N. R. R. Co. and Campbell.
United States *v.* R. J. Wood & Co.
United States *v.* Mutual Transit Co. (1).
United States *v.* Lide & Diver.
United States *v.* Mutual Transit Co. (2).
United States *v.* Diver.
United States *v.* Suffolk and C. R. R. Co. and Bosley.
United States *v.* Gay Manufacturing Co.
United States *v.* N. Y. C. and H. R. R. R. Co.
United States *v.* Del. and H. Co.

4. INDICTMENTS FOR CONSPIRACY TO VIOLATE.

United States *v.* Thomas & Taggart.
United States *v.* Crosby, Thomas & Taggart.
United States *v.* Swartzchild & Sulzberger Co.

Mr. LODGE. Mr. President, this amendment, which is strictly intended to improve the Elkins law, as appears by its heading, I should like, with the permission of the Senator, to modify. On page 3 (page 143 of the pamphlet), on the suggestion of the Senator from Pennsylvania, which I think a very excellent one, I should like, in line 16, after the word "carrier," to insert the words "or shipper;" and in line 18, after the word "carrier," to insert the words "or shipper."

Mr. STONE. What page?

Mr. LODGE. Page 3 of the amendment; page 143 of the pamphlet.

The VICE-PRESIDENT. The Secretary will state the modifications.

Mr. LODGE. If there is no objection, I should like to have the modifications made.

Mr. DANIEL. While the Senator is on his feet I should like to ask him a question for information.

The VICE-PRESIDENT. Will the Senator from Virginia suspend until the Secretary reports the modifications.

Mr. LODGE. Of course I have a right to modify my amendment.

The VICE-PRESIDENT. The Senator has a right to modify it as he desires.

Mr. DANIEL. I observe some cross references here which would leave the mind in doubt as to exactly what we are doing. For instance, at the bottom of page 2 and the top of page 3 there is reference to other acts for the penalties we are inflicting.

Mr. LODGE. I can not hear the Senator; there is so much noise around me.

Mr. DANIEL. I will try to speak a little louder.

Mr. LODGE. It is not the Senator's fault. It is due to the noise all about.

Mr. DANIEL. At the bottom of page 2 and the top of page 3 there is a declaration of fines and penalties prescribed in section 10 of the act to regulate commerce as amended by the act of March 2, 1889. The point I suggest to the mind of the Senator is, had we not better set forth in this act what fines and penalties we are inflicting, for the reason that some of them seem to be too weak? And then we would have something to amend by the increase of imprisonment or the fine if we desired to do so. But in reenacting an old statute and putting it in with a new one, without a definition of its terms, the Senate are powerless either to know precisely what they are doing or to improve what they may be doing.

Mr. LODGE. The section is printed in the act to regulate commerce.

Mr. DANIEL. I have that before me.

Mr. LODGE. And the supplementary acts.

Mr. DANIEL. I have them before me at this time.

Mr. LODGE. It was to restore section 10. The penalties, as I have stated before, are in every case a term of imprisonment not exceeding two years, or both fine and imprisonment.

Mr. DANIEL. That is a very light penalty—merely two years—for some of these offenses. Some of them involve millions of dollars and the destruction of the business of other people, and a range ought to be given both as to fine and imprisonment, so that the tribunal that has a culprit before it might measure the penalty according to the nature and enormity of the offense. To put the chief offender who may be getting the benefit of millions of dollars by public roguery on the same basis with a minor employee, who may be under his direction, is to obscure or to nullify all distinction in offenders, and to bring down the great criminal to a level with the little one, and to prevent that distribution of justice which proportions penalty to the nature and extent of the offense.

I hardly know how to go at this bill in its present form to offer an amendment to the amendment of the Senator from Massachusetts which would reach this matter.

Now, Mr. President——

Mr. LODGE. If I may have the floor——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield further to the Senator from Virginia?

Mr. LODGE. My time is going so rapidly——

Mr. DANIEL. I hope it may be counted out of my time and not out of the Senator's. I dislike to intrude upon him.

Mr. LODGE. Not at all. I thought the Senator was going into his statement rather more largely than my time admitted.

Mr. DANIEL. I beg the Senator's pardon.

Mr. LODGE. I merely want to say one word in reply. If these penalties are not sufficient, it will be quite possible to amend them in the Senate. To my mind they seem entirely sufficient. The object of the imprisonment is simply to put in a penalty that will have an effect on those who are the offenders. I do not believe a money penalty is efficient with that class of offenders. I think a week's imprisonment is just as valuable as ten years as a deterrent with the people who commit the offense.

Mr. SCOTT. Who are the people?

Mr. LODGE. The law says the directors and managers of the corporation are to be imprisoned, and those in the employ of the corporation who make these contracts. The old law is very specific.

But, Mr. President, it seems to me that this reaches the point we want to reach, and if it is not enough it will be very easy to amend it in the Senate. But it seems to me it is enough, and that is just the distinction between my amendment and that of the Senator from Wisconsin.

Mr. STONE. Mr. President, I desire to direct the attention of the Senator from Massachusetts, and the Senate particularly, to the penalty clause of his amendment. The question in my mind is whether——

Mr. ALDRICH. I do not like to cut off the Senator from Missouri, but we ought to have some enforcement of the rule, Mr. President.

Mr. STONE. In what way am I violating the rule?

Mr. ALDRICH. I thought you had spoken once.

Mr. STONE. Not upon the amendment of the Senator from Massachusetts.

Mr. LODGE. No, he has not. The Senator spoke on the amendment of the Senator from Wisconsin. I do not think he has spoken on mine.

Mr. STONE. I have not.

Mr. ALDRICH. I think the Senator from Massachusetts has spoken at least three times.

Mr. LODGE. I have. I have undoubtedly violated the rule, as we all do.

Mr. STONE. There is a question of doubt as to whether the language of the amendment of the Senator from Massachusetts would in fact restore the imprisonment features of the act of 1887. The language of the amendment proposed by the Senator from Massachusetts is as follows:

Every person or corporation who shall offer, grant, or give or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and shall be subject to the fines and penalties prescribed in section 10 of the "act to regulate commerce," approved February 4, 1887, as amended by the act approved March 2, 1889.

Section 10 of the act of 1887 as amended by the act of March 2, 1889, contains this provision, and it is the imprisonment provision of the section. It is as follows:

Provided, That if the offense for which any person shall be convicted as aforesaid shall be an unlawful discrimination in rates, fares, or charges for the transportation of passengers or property, such person shall, in addition to the fine hereinbefore provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years.

Mr. President, the thing to which I was trying, it seems in vain, to get the attention of the Senator from Massachusetts, but I will get the attention of some other Senators to it, concerns the Elkins Act. The Elkins Act of 1903 provides:

In all convictions occurring after the passage of this act for offenses under said acts to regulate commerce, whether committed before or after the passage of this act, or for offenses under this section, no penalty shall be imposed on the convicted party other than the fine prescribed by law, imprisonment wherever now prescribed as part of the penalty being hereby abolished.

The VICE-PRESIDENT. The Senator from Missouri will suspend until the Senate is in order.

Mr. STONE. Yes, sir; I will be glad to do so. [After a pause.] Is the Senate supposed to be in order now?

The VICE-PRESIDENT. The Senator from Missouri.

Mr. STONE. The act of 1889 amending the act of 1887 did contain an imprisonment penalty. But the act of 1903 repealed it. The Senator from Massachusetts says——

Mr. LODGE. Excuse me. The Senator read the language. It abolished imprisonment. It did not repeal the act.

Mr. STONE. It did not in express terms repeal the act.

Mr. LODGE. That is why I had to reenact the whole law in a new form.

Mr. STONE. But the Senator does not reenact it.

Mr. LODGE. I beg the Senator's pardon. I reenact the Elkins provisions——

Mr. STONE. Oh, yes.

Mr. LODGE. Changing them so as to restore the imprisonment penalty.

Mr. STONE. Yes; the Senator does repeat the first section of the Elkins Act, and adds that anyone who violates it shall be subject to the fine and penalties prescribed by section 10 of the act of 1887. The Elkins Act prescribes a certain fine, from one thousand to twenty thousand dollars, for doing the things which in his amendment the Senator from Massachusetts would have the law provide shall be followed by a fine and such penalties as are prescribed in the act of 1889.

Mr. LODGE. 1899.

Mr. STONE. No; 1889.

Mr. LODGE. I think 1899. It is the act of March, 1899, I think.

Mr. STONE. March 2, 1889; but that is not very important. The amendment of the act was of date March 2, 1889.

Mr. LODGE. Then my print is wrong.

Mr. STONE. Your print is wrong. It should be 1889.

Mr. LODGE. My print is wrong?

Mr. STONE. Yes, sir.

If it be true as a matter of construction that the Elkins law, by the the provision "imprisonment wherever now prescribed as part of the penalty being hereby abolished," has the effect in legal intent of repealing the imprisonment clause of the act of 1889, then that part of the act of 1889 ceased to be operative; it was dead; it was no longer a part of section 10 of the act of 1889, and if it was not found in that section, if it was taken out by virtue of the Elkins law, then it can not be put back into the section except by a specific reenactment. If it is not restored by such enactment, then I submit whether the effect of this provision in the amendment proposed by the Senator from Massachusetts, that persons violating this act shall be subject to the penalties prescribed in section 10 of the act of 1887, would subject them to any penalty beyond that of a fine. I think that is exceedingly doubtful.

In drafting the amendment which I have prepared but have not yet submitted, but intend to present, I followed exactly the plan pursued by the Senator from Massachusetts. I took the first section of what is known as the "Elkins law," and provided for its reenactment except as to the penalties. I left the fine as it now appears in the Elkins law remain as it is, and I added this, and that is the only addition to it:

Provided, That any person, or any officer or director of any corporation subject to the provisions of this act, or the act to regulate commerce and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall in addition to the fine herein provided for be liable to imprisonment in the penitentiary for a term not exceeding two years, or both such fine and imprisonment, in the discretion of the court.

It seems to me that form would be preferable to the one used by the Senator from Massachusetts.

Mr. LODGE. Where is that? Is it in the pamphlet print of amendments?

Mr. STONE. No; it does not appear in the pamphlet print. I will hand the Senator this copy of it, if he cares to look at it.

The only difference I see in a hasty comparison between that amendment and the one proposed by the Senator from Massachusetts is that the Senator from Massachusetts seeks to restore the imprisonment penalty by providing that the persons convicted shall suffer the penalties prescribed by section 10 of the act of 1887, while in the amendment the Senator has in his hand the imprisonment penalty is specifically stated and set forth. I greatly fear that if the amendment is put in the form proposed by the Senator from Massachusetts we would be left without any imprisonment provision in the law.

Mr. LODGE. It seems to me on an examination of the Senator's amendment, which I had not examined before, that it is identical with mine, except where I have put in the words "every person or corporation who shall offer, grant, or give or solicit," etc., shall be subject to the penalties of section 10 as amended the Senator has put in a proviso not referring at all to section 10, but specifically restoring the penalties.

Mr. STONE. Yes, sir; that is the difference, as I stated.

Mr. LODGE. I have not the slightest objection to accepting the Senator's form instead of mine. There can be no question about it, and it meets exactly the same point, and brings in the same penalty. I would much rather take it, if there can be any doubt about the form of mine.

Mr. STONE. I have had some doubt about the other amendment, and there can be none about this one.

Mr. LODGE. I suppose the Senator will have no objection, when I ask that it be substituted for mine, to my inserting the words "or shipper" after "carrier," which I inserted at the suggestion of the Senator from Pennsylvania [Mr. KNOX].

Mr. STONE. Oh, no; I have no objection.

Mr. LODGE. Then, in line 22, on the third page of the amendment of the Senator from Missouri, after the words "common carrier," insert "or shipper," and at the beginning of line 25 insert "or shipper" after "carrier."

The VICE-PRESIDENT. The Secretary will state the modification made by the Senator from Massachusetts.

The SECRETARY. The printed amendment of the Senator from Missouri [Mr. STONE] is now substituted for that of the Senator from Massachusetts [Mr. LODGE]; and on page 3 of the printed amendment, line 22, after the word "carrier," the last word in the line, insert the words "or shipper," and after the word "carrier," in lines 24 and 25, insert the words "or shipper."

Mr. LODGE. I offer the amendment of the Senator from Missouri in lieu of my own, and move its substitution for the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE] as a substitute for the amendment of the Senator from Wisconsin [Mr. LA LOLLETTE].

Several SENATORS. Let it be read.

The VICE-PRESIDENT. The amendment to the amendment will be read.

The Secretary read as follows:

That section 1 of the act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, be amended so as to read as follows:

"That anything done or omitted to be done by a corporation com-

mon carrier subject to the act to regulate commerce and the acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said acts or under this act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said acts or by this act with reference to such persons, except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said acts to file and publish the tariffs or rates and charges as required by said acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than $1,000 nor more than $20,000 for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said act to regulate commerce and the acts amendatory thereto whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said act to regulate commerce and the acts amendatory thereto, or whereby any other advantage is given or discrimination is practiced. Every person or corporation who shall offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than $1,000 nor more than $20,000: *Provided*, That any person, or any officer or director of any corporation subject to the provisions of this act, or the act to regulate commerce and the acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein.

"In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the act to regulate commerce or acts amendatory thereto, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this act."

Mr. LA FOLLETTE. If in order, Mr. President, I should like to say a word upon this amendment. I spoke on my own amendment. Have I a right to speak on the amendment to my amendment?

The VICE-PRESIDENT. The Senator from Wisconsin has a right to speak on the amendment of the Senator from Massachusetts to the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. As I understand the amendment of the Senator from Massachusetts, it applies to all violations of the law. The amendment which I submitted applies only to cases of unjust discrimination or of false solicitation or of fraudulent representations by which unjust discrimination may be secured. Under the proposed substitute a friendly court might administer an entirely inadequate punishment. The trivial penalty of imprisonment for a day or an hour might be imposed. If a case should happen to be tried before an interested judge, who owned stocks or bonds in the railroad company whose officers or agents were arraigned, the punishment might be trivial and entirely inadequate. This danger is not merely assumed. I recall one case some years ago, brought under the interstate-commerce act, where seven or eight judges were found to be holders of stocks or bonds in the railroad companies interested in the case on trial.

In reply to the observation of the Senator from Ohio [Mr. FORAKER] touching the recommendations of the Interstate Commerce Commission, I assert that no report of the Interstate Commerce Commission can be cited where they have made a distinct recommendation that the penalty of imprisonment should be repealed, or where they approve the Elkins law in that respect.

The Senator from Ohio stated that in so far as he was advised the railroad companies had never recommended the repeal of the penalties of imprisonment. I, of course, am not able to say what has transpired in the committee having charge of this legislation further than is shown by the reports. I find, however, in one of the reports of the Interstate Commerce Commission this language, which would seem to indicate that the railroad companies had been pretty insistent in urging the repeal of the penalty of imprisonment for violations of the interstate-commerce act. This is the language of the Commission in its report:

It is proper to call the attention of Congress to the special insistence of railroad managers and others that the imprisonment feature of the present law be repealed, and that punishment for all criminal misdemeanors under the act be limited to fine.

Now, after the interstate-commerce act——

Mr. FORAKER. Will the Senator kindly tell from which report he reads?

Mr. LA FOLLETTE. In 1895. I can not give the Senator the number of the report. I can give him the year. It was in the year 1895.

Mr. FORAKER. That was two years before the Maximum Rate case.

Mr. LA FOLLETTE. Oh, that is true. Again the Commission said:

While the Commission must *refuse* to *advise the abolition of imprisonment*, its members are not inclined to oppose such legislation should Congress see fit to enact it.

That was the language the Senator was not able to quote exactly. I have it before me, and I will make it a part of the discussion.

Mr. FORAKER. Will the Senator kindly give me the number of the volume?

Mr. LA FOLLETTE. I can not give the number of the volume. I can give you the year the report was issued.

Mr. FORAKER. What is the year?

Mr. LA FOLLETTE. That is 1895 also.

Now, examine the reports after the Elkins law had been enacted. In its analysis of the Elkins law the Commission in the report for 1903 reviews the changes with respect to penalties, but it is *very careful not to commend* it in *that respect*, although it does commend the law in other respects where it has commendable features.

Again, in its report for 1904, the Commission referred to the Elkins law, but makes *no approval, directly* or *indirectly, of the repeal of the penalty of imprisonment*, although it does commend the law generally.

I suggested, during the general debate here, that the Interstate Commerce Commission, shortly after the enactment of the Elkins law, did give expression of approval of that law. They were greatly rejoiced to get some legislation making amendments to the interstate-commerce act which they believed would strengthen it in other respects.

But in their latest report, the report for 1905, reference is made to the fact that they have previously given general approval of the Elkins law, and then say that—

Further experience, however, compels us to modify in some degree the hopeful expectations then entertained.

So, Mr. President, I maintain with confidence that there can be found in no report made by the Interstate Commerce Commission an approval of the repeal of the imprisonment penalty of the interstate-commerce act, and I assert that whenever opportunity is given to investigate the books of the railroad companies of this country it will be found that the repeal of the imprisonment features of the Elkins law induced the payment of rebates to a greater extent than ever before.

If Congress desires to insure respect for this law, it should provide a penalty of imprisonment for a term that shall make railroad managers and their employees charged with the conduct of railroad business stand in wholesome fear of the law.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts [Mr. LODGE] to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FORAKER. We are to vote on the amendment of the Senator from Massachusetts?

The VICE-PRESIDENT. On the amendment proposed by the Senator from Massachusetts to the amendment of the Senator from Wisconsin. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SPOONER (when his name was called). I have a general pair with the Senator from Tennessee [Mr. CARMACK]. I am advised that if he were present he would vote "nay," and I am therefore not at liberty to vote. If I were at liberty to vote, I would vote "yea."

The roll call having been concluded, the result was announced—yeas 49, nays 27, as follows:

YEAS—49.

Aldrich	Burrows	Dryden	Hopkins
Alger	Carter	Elkins	Kean
Allee	Clapp	Flint	Kittredge
Ankeny	Clark, Mont.	Foraker	Knox
Beveridge	Crane	Frye	Lodge
Brandegee	Cullom	Fulton	Long
Bulkeley	Dick	Gamble	McCumber
Burkett	Dillingham	Hansbrough	McEnery
Burnham	Dolliver	Hemenway	Millard

Nelson	Piles	Stone	Wetmore
Nixon	Platt	Sutherland	
Penrose	Scott	Warner	
Perkins	Smoot	Warren	

NAYS—27.

Bacon	Daniel	Latimer	Pettus
Bailey	Dubois	McCreary	Rayner
Berry	Foster	McLaurin	Simmons
Blackburn	Frazier	Martin	Taliaferro
Clarke, Ark.	Gallinger	Money	Teller
Clay	Gearin	Newlands	Tillman
Culberson	La Follette	Overman	

NOT VOTING—13.

Allison	Depew	Mallory	Spooner
Burton	Gorman	Morgan	
Carmack	Hale	Patterson	
Clark, Wyo.	Heyburn	Proctor	

So Mr. LODGE'S amendment to the amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] as amended. [Putting the question.] In the opinion of the Chair the "ayes" have it.

Mr. BACON. I call for the yeas and nays upon the adoption of the amendment of the Senator from Wisconsin as amended.

The yeas and nays were ordered.

Mr. McCREARY. I should like to have the amendment as amended read, Mr. President.

The VICE-PRESIDENT. The Senator from Kentucky [Mr. McCREARY] asks that the amendment as amended may be read.

Several SENATORS. Oh, no!

Mr. McCREARY. I withdraw the call for the reading of the amendment, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The roll having been called; the result was announced—yeas 73, nays 2, as follows:

YEAS—73.

Aldrich	Crane	Hemenway	Penrose
Alger	Culberson	Hopkins	Perkins
Allee	Cullom	Kean	Piles
Ankeny	Daniel	Kittredge	Rayner
Bacon	Dick	La Follette	Scott
Bailey	Dillingham	Latimer	Simmons
Berry	Dolliver	Lodge	Smoot
Beveridge	Dryden	Long	Spooner
Blackburn	Dubois	McCreary	Stone
Brandegee	Elkins	McCumber	Sutherland
Bulkeley	Flint	McEnery	Taliaferro
Burkett	Foraker	McLaurin	Teller
Burnham	Foster	Martin	Tillman
Carter	Frazier	Millard	Warner
Clapp	Frye	Money	Warren
Clark, Mont.	Fulton	Nelson	Wetmore
Clark, Wyo.	Gamble	Newlands	
Clarke, Ark.	Gearin	Nixon	
Clay	Hansbrough	Overman	

NAYS—2.

Gallinger	Pettus

NOT VOTING—14.

Allison	Depew	Knox	Platt
Burrows	Gorman	Mallory	Proctor
Burton	Hale	Morgan	
Carmack	Heyburn	Patterson	

So Mr. LA FOLLETTE'S amendment as amended was agreed to.

Mr. TILLMAN. I move that when the Senate adjourns to-night it be to meet at 10 o'clock to-morrow morning. ["No!" "No!"]

The VICE-PRESIDENT. The Senator from South Carolina moves that when the Senate adjourn to-night it be to meet at 10 o'clock to-morrow morning.

Mr. McLAURIN. I move to amend the motion by making the hour of meeting 9 o'clock to-morrow morning.

Mr. TILLMAN. I accept the amendment, Mr. President. ["No!" "No!"]

Mr. HOPKINS. Mr. President, if the amendment proposed by the Senator from Mississippi [Mr. McLAURIN] to the motion of the Senator from South Carolina is accepted, I move to amend the motion of the Senator from South Carolina by making the hour of meeting 11 o'clock.

Mr. BAILEY. One amendment to the motion is pending.

Mr. HOPKINS. I have moved the amendment on the theory that the Senator from South Carolina accepted the amendment of the Senator from Mississippi.

The VICE-PRESIDENT. Did the Chair understand the Senator from South Carolina to accept the amendment proposed by the Senator from Mississippi?

Mr. TILLMAN. I did.

The VICE-PRESIDENT. Then the amendment of the Senator from Illinois is in order. The question is on the amendment proposed by the Senator from Illinois, that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the motion of the Senator from South Carolina as amended.

The motion as amended was agreed to.

Mr. KEAN. Let the next section of the bill be read, Mr. President.

The VICE-PRESIDENT. Are there further amendments to section 2? If not, the Secretary will proceed to read the next section.

Mr. McCUMBER. I offer the amendment to section 2 which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. After the amendment just agreed to, at the end of section 2, it is proposed to insert the following:

That section 10 of said act entitled "An act to regulate commerce," approved February 4, 1887, be amended by adding thereto the following:

"Any person, corporation, or company who shall deliver property for interstate transportation to any common carrier subject to the provisions of this act, or for whom, as consignor or consignee, any such carrier shall transport property from one State, Territory, or district of the United States to any other State, Territory, or district of the United States or foreign country, who shall knowingly and willfully, by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money, or any other valuable consideration, as a rebate or offset against the regular charges for transportation of such property, as fixed by the schedules of rates provided for in this act, shall be deemed guilty of a fraud, which is hereby declared to be a misdemeanor, and shall, upon conviction thereof in any court of the United States of competent jurisdiction within the district where such offense was committed, in addition to any other penalties provided by this act, be subjected to a fine equal to three times the sum of money so received or accepted, and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and in the trial for such offense all such rebates or other consideration so received or accepted for a period of six years prior to the commencement of the action may be considered, and the said fine shall be three times the total amount of money or three times the total value of such considerations so received or accepted, as the case may be: *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

Mr. McCUMBER. Mr. President, it seems to me much more popular in this body to pass any character of drastic legislation aimed at a railway company for accepting a rebate and providing a severe punishment for anyone connected with the railway company from the highest down to the lowest officer for being a party in any way to the acceptance of rebates than it is to touch the great corporations and the great trusts of the country, which have held the railways by the throat and are enforcing such rebates upon them. We have been rather severe with the railway company, which is the victim, but we have been exceedingly careful so far in our legislation not to interfere with the great trusts of the country, which are the ones primarily responsible for practically all the rebates which have been granted.

We had a recommendation by the President of the United States in a message that was sent to us last Friday, in which he mentions but one of the great trusts of the country—the oil trust—and declares that they have benefited in rebates in a single year $750,00, or about three-quarters of a million dollars every year, and that wholly independent, Mr. President, of the extra amount they get out of the people of New England and other sections of the country, where they have the entire monopoly.

What does a fine of $5,000 amount to? Suppose you do get one conviction a year. You will then have imposed a penalty of $5,000 for taking $750,000. Suppose, on the other hand, you do convict possibly some one connected with the company for assisting or being a party to this rebate; suppose that you are able to reach one case out of a hundred, or one dollar out of a hundred, still in every hundred dollars the company would be ahead $99.

I seek by this amendment—it is clear, simple, and right to the point—to apply the only remedy which I believe will ever be a successful remedy against the trusts that compel these rebates. Why? If the Standard Oil Company, which for the last year has taken $750,000 in rebates or special privileges out of the railway companies of the United States, at the end of the year, in an action brought for that specific purpose, could be compelled to pay back two and a quarter million dollars, then I insist that you would have a remedy that they would remember; and if this plan be continued, and, under such an amendment as I have suggested, make it so that at the end of six years you can in a single action compel them to account for all of the rebates that they have taken during those six years—of course not antedating the date of the passage of the pending bill—then they will be constantly upon their guard, knowing continuously that, when one transaction has been completed and one great sum has been received by them, that is not the last of it; that when the year goes by it is not the last of it, but that for six years the Government can go back and compel them to pay back what they have received.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Yes, sir.

Mr. GALLINGER. I ask the Senator if the Sherman anti-trust law and the Elkins law will not reach these corporations if they are guilty of these so-called "crimes?"

Mr. McCUMBER. They will not, and they have not in the past. I have no doubt that public opinion, which has been greatly aroused in the last year, will have a great deterrent effect upon the whole subject of rebates. I do not consider that this law which we will pass adds in this respect one atom of force or effect to the law as it exists to-day.

Mr. GALLINGER. Does the Senator think that the existing laws would be inadequate if they were properly enforced?

Mr. McCUMBER. I think the existing laws, if properly enforced, are adequate as against the railway companies. I think the existing laws are inadequate as against the great corporations. If we have a supplemental act, such as I propose in this amendment, to make the great trusts pay back $3 for every dollar they get in rebates, taking that in connection with the punishment that is provided against the employees of the railway company, we shall then have a sufficient and effective remedy, because we shall have a remedy against both of them.

Mr. GALLINGER. Just one other suggestion. The Senator called attention to the fact that the President has told the country that the "Standard Oil trust," so called, have robbed the people of $750,000 in the last year. Is it not proper to put in the RECORD the fact that that corporation have denied that they have been guilty of the crimes charged against them?

Mr. McCUMBER. If a corporation has not been guilty, it certainly will not be affected by this amendment.

Mr. GALLINGER. Of course not.

Mr. McCUMBER. I will read, Mr. President, the words of the President's message which was sent here last Friday. He says:

> The facts set forth in this report—

That is, Garfield's report—

> The facts set forth in this report are for the most part not disputed. It is only the inferences from them that are disputed, and even in this respect the dispute is practically limited to the question as to whether the transactions are or are not technically legal. The report shows that the Standard Oil Company has benefited enormously up almost to the present moment by secret rates, many of these secret rates being clearly unlawful. This benefit—

That is, the unlawful one—

> amounts to at least three-quarters of a million a year. This three-quarters of a million represents the profit that the Standard Oil Company obtains at the expense of the railroads; but of course the ultimate result is that it obtains a much larger profit at the expense of the public.

Mr. President, in the annual message of the President of the United States on the 5th day of December, in speaking of this subject, he recommends specifically that at least twice the amount of all rebates should be recovered in a civil action. In the amendment which I have offered I go further, and place it at three times the amount, and in a criminal action, and this in addition to any little penalty that may be imposed upon the person upon whom the courts will be able to lay their hands.

Mr. President, it makes very little difference to these great trusts—the sugar trust, the oil trust, the steel trust, the meat trust, or any of these other trusts—that there is a law aimed at the individual, whom you will have to catch before you can prosecute, and, if the law applies, convict. It is almost impossible to secure the proper evidence for the conviction of that man. But under the proper law that we will pass now, which provides for a method of keeping the books of the companies, which shall be the same throughout the country, the items prescribed to a certain extent by the Interstate Commerce Commission, a method is supplied by which we can determine what money goes into the coffers of these great corporations—the trusts—from the railroad companies. It will be far less difficult to establish the fact that the Standard Oil Company or any other one of these great corporations has received in rebates three-quarters of a million dollars in a year than it will be to establish, in a criminal case, the time, the place, and the particular person who was instrumental in securing the rebates, because in that respect the evidence must be certain as to the time, the place, and the party, and the facts must be established on all three of those points beyond a reasonable doubt. It is much more difficult to convict an individual against whom an indictment is obtained under such a law than it is to prove that certain sums of money went out of the railway companies' hands and into the hands of the trusts, in addition to what was a legitimate or legal charge.

Mr. President, if we wish to stop rebates—and that is the gist of this whole case, because nine-tenths of our arguments upon the matter of this bill have been upon the question of rebates—if that is what we wish to get at, if we want to have an effective remedy, we will never have one that will be half so effective as one that will go directly to the company that solicits the rebate and obtains it, and compel it to pay it back three times over. It is no punishment to say to a corporation that receives a rebate, "You shall pay the sum back," because in that case it simply pays back what does not belong to it. It is no punishment to say, "You shall pay back only in those cases in which we can successfully conduct a criminal prosecution against an individual," because that may not amount to more than $5,000 in a single year. But it is something when you say that we can go back over any number of years and we can, in a single action, compel you to pay back all that you have taken during those years, and that three times over. If we want to eliminate rebates and eliminate them positively, it seems to me we can not do better than to adopt this amendment which goes to the root of these rebates.

Mr. GALLINGER rose.

Mr. McCUMBER. Does the Senator wish to interrupt me?

Mr. GALLINGER. No.

Mr. McCUMBER. Mr. President, I think that is all I desire to say, unless the Senator from New Hampshire wishes to ask me a question.

Mr. GALLINGER. Mr. President, the hysteria of this entire thing has been very clearly developed this afternoon. The interstate-commerce law imposed a penalty of imprisonment as well as a fine. The Interstate Commerce Commission, having in charge the administration of the law, appeared before the Interstate Commerce Committee and recommended that the imprisonment clause should be eliminated from the law, which was done; and from that time to the present the Interstate Commerce Commission, so far as I can learn, have never recommended the reenactment of that penalty in any law that has been before the Congress. But notwithstanding that the Senate has seen proper in its wisdom—I voted against it because I felt entirely justified in doing so—to reenact that provision of the law.

The Senator from North Dakota [Mr. McCUMBER] proposes to inject into this railroad rate bill a provision aimed at the great trusts of the country. The argument made a little time ago was that a penalty of a fine did not deter railroad corporations from committing a crime. But the Senator, in dealing with the great trusts of this country, four or five of which could buy out all of the railroad corporations in the country, if they do not already own them, proposes simply to impose a fine. They are not to be subjected to the penalty of imprisonment, but they are to pay a fine.

Mr. McCUMBER. May I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. McCUMBER. The Senator is undoubtedly reading from the amendment as it was first introduced. The amendment which was read states "in addition to any other penalties provided by this act." So this is in addition to that.

Mr. GALLINGER. In addition to what?

Mr. FLINT. Where can we find the amendment?

Mr. McCUMBER. Let the Secretary read the amendment. I handed it to him. It is in addition to the present penalty.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. The amendment is to be found in the printed list of amendments, at page 45, but there are some alterations.

Mr. GALLINGER. I accept the Senator's statement that he has some kind of a penalty in addition to a fine.

Mr. McCUMBER. No; I wish the Secretary would read that portion, if the Senator from New Hampshire will allow it.

Mr. GALLINGER. I will be pleased to allow it.

The SECRETARY. On page 2 of the printed amendment, line 7, after the word "committed," insert "in addition to any other penalties by this act."

Mr. GALLINGER. I confess that I do not know exactly what that means, but let it mean what it pleases. We are still face to face with the proposition that we are to have now, in this railroad rate bill, a provision dealing with the great trusts of the country. The Senator really believes, I apprehend, that it will be efficient for doing away entirely with the evil of rebates and discriminations which are already legislated against in the Elkins law. The crudity of this legislation and the dangers attending this kind of legislation have been shown fifty times during the last three days in the fact that Senators, offering amendments, have had them printed, and when they send them up to be acted upon they change them from one to five times; and the Senator from North Dakota, deliberating upon this great topic, as he doubtless did, because this amendment was not incubated in a moment, prepared this amendment which he had printed and which was before us and which we have all

studied in an endeavor to learn its scope and meaning, and to-day he has found it necessary to modify it.

Mr. McCUMBER. When another amendment is put on a bill you often, in order to make your amendment in harmony, find it necessary to make changes. So when the Lodge amendment, which already provided for one character of punishment, was inserted, it was necessary to make the change, so as not to be in conflict with it.

Mr. GALLINGER. Does the Senator think that the penalty in the Lodge amendment will apply to offenses of the character involved in his amendment?

Mr. McCUMBER. It will be in addition to that penalty. It does not affect that penalty at all. That penalty is simply by fine or imprisonment not to exceed two years, if they can convict an individual.

Mr. GALLINGER. Are the fines and penalties cumulative? Are those already imposed in the bill to be added up and this penalty or fine added?

Mr. McCUMBER. I have had sufficient experience in the prosecution of criminal actions to know that we are not liable to have a hundred cases to be tried, though we can prove, perhaps, that there have been a hundred different offenses committed. One trial is generally supposed to cover them all. It has never been customary to have one trial after another, although the offense may have been continuous and each day might be a separate offense. The Senator knows that to be the case, and therefore it was intended to make them pay back every dollar they got out of the company unlawfully and to pay it back three times over, so that it would be a punishment.

Mr. GALLINGER. I am glad that some Senator has come to the relief of the railroads of the country. The Senator from North Dakota claims that this amendment is intended to protect them against crimes that are being committed by other corporations upon those railroad companies. This bill when it gets through the Senate will look like Joseph's coat, but in my great desire to have it acted upon I am not going to spend much time in discussing this or any other amendment. I believe I have not occupied more than fifteen minutes during the entire debate upon this great subject. But it does seem to me that if we are going to pass a bill regulating the railroads of the country and requiring them to give proper service, as they ought to give proper service, it is a mistake to inject all sorts of amendments relating to other subjects into that bill. For that reason I trust——

Mr. McCUMBER. Let me ask the Senator, while he is on his feet, if the subject of rebates is not pertinent to this bill, and that is all this amendment deals with?

Mr. GALLINGER. The bill as it came from the House of Representatives, with the indorsement of that great body and, we were told, with the indorsement of the President of the United States, and as it came to this body, with or without the indorsement of the Committee on Interstate Commerce, does not deal with that subject. I apprehend they thought that as the Elkins law as it stands to-day, or as it could easily be amended, dealt specifically with that question it was not necessary to enter into that in this legislation. That is all I care to say. I shall take pleasure in voting against this amendment, even though I should vote alone.

Mr. ALDRICH. Mr. President, I listened with some attention to the remarks of the Senator from North Dakota [Mr. McCUMBER]. I do not find any of the trusts to which he referred named in the amendment, and I should be afraid that certain farmers in North Dakota, if they should happen to receive a lower rate of freight than some of their neighbors, might be in some danger of prosecution under the terms of this amendment.

Mr. McCUMBER. I would ask the Senator in all candor if he would expect me to mention any special trust in the amendment?

Mr. ALDRICH. The Senator made a speech saying the purpose of the amendment was to destroy certain trusts, and I thought he might apply some language——

Mr. McCUMBER. I did not so state, if I may correct the Senator. It is not to destroy the trusts; it is to prevent the trusts from extorting money from the railways.

Mr. ALDRICH. Is there not any way of exempting the farmers of North Dakota from what might be a very serious danger of injury to them from paying lower freight than some of their neighbors? It seems to me that this is rather drastic legislation in favor of the railroads.

Mr. McCUMBER. I do not see how it is in favor of the railroads. It simply punishes somebody else who acts in conjunction with them and takes these rebates.

Mr. ALDRICH. It seems to me it is very drastic protection to the railroads, but I may be mistaken.

Mr. McCUMBER. If the Senator thinks that is protection, they certainly ought to have that protection.

Mr. SPOONER. Mr. President, I am not concerned about protecting railroad companies against the payment of rebates. The rebate is absolutely indefensible, and if anything is settled it is settled that the practice must be discontinued. I do not think it is necessary at all to deal with it in connection with this bill, for the reason that the House of Representatives has at this session passed a bill, which is now before the Judiciary Committee of the Senate——

Mr. KEAN. I have a copy of it here.

Mr. SPOONER. Let me have it.

Mr. KEAN. It is a good bill.

Mr. SPOONER. The House of Representatives at this session has passed a bill which is before the Judiciary Committee, and which, I think, needs some amendment to make it more efficient, and which I believe will be reported by the committee. It is a bill "To authorize the recovery of the value of unlawful rebates and discriminations, penalty therefor, and for other purposes."

Mr. McCUMBER. May I ask the Senator if the bill has been reported by his committee?

Mr. SPOONER. I think it will be reported at this session of Congress.

Mr. McCUMBER. If the bill is made a law, it will be practically the same as this.

Mr. SPOONER. I think it will be more carefully drawn and more elaborate and better adapted to meet the object which the Senator has in view. It provides for two classes of cases. In the first place, it forfeits to the Government all illegal payments. It provides for the recovery of the amount of the rebate in a class of cases where not willfully accepted, if there be such, and in the other class of cases, which would take all the cases referred to by the Senator from North Dakota, for the recovery, at the suit of the Government of double the amount of the rebate, or sum unlawfully received from the railway company. I do not doubt that the bill will be reported, nor do I doubt that it will meet the approval of this body, and its operation, I think, in connection with the provisions of the rate bill as to the keeping of railway accounts and the examination of railway books and all that will deprive the business men of this country of any great anxiety or inducement to seek rebates; and those who seek a rebate, knowing it to be in violation of the law, are as much deserving of punishment for violating the law as those who give it, and sometimes more so. So I think this subject may be dealt with at this session if the Senator's amendment should not be adopted.

Mr. McCUMBER. It may be dealt with, I will say to the Senator, and it may not. It is practically aimed at the same thing and so as to accomplish the same purpose.

Mr. SPOONER. The House treats the two classes separately, and I think we may as well.

Mr. KEAN. Mr. President, I was going to say to the Senator from Wisconsin that it was my intention to offer this bill as a substitute for the amendment of the Senator from North Dakota. It is a bill I am very heartily in favor of, but since the statement of the Senator from Wisconsin I certainly will not do so, because the Committee on the Judiciary will probably report it at an early day.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from North Dakota. [Putting the question.] In the opinion of the Chair, the "ayes" have it.

Mr. McCUMBER. I call for the yeas and nays.

Mr. CLAY. I understood the Chair to announce that the "ayes" had it.

Mr. McCUMBER. Did the Chair announce it in favor of the "ayes?"

The VICE-PRESIDENT. The Chair did.

Mr. McCUMBER. Then I withdraw the request for the yeas and nays.

Mr. GALLINGER. Let the vote be taken again.

The VICE-PRESIDENT. The vote will again be taken. The question is on agreeing to the amendment proposed by the Senator from North Dakota.

The amendment was agreed to.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. KEAN. Let us get down to section 4.

Mr. ALDRICH. Let the next section be read.

Mr. GALLINGER. I have made my motion.

Mr. SPOONER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Wisconsin?

Mr. SPOONER. Will the Senator from New Hampshire yield to me that I may submit an amendment to the pending bill?

Mr. GALLINGER. I do.

Mr. SPOONER. I offer an amendment to the pending bill, which I ask to have printed.

The VICE-PRESIDENT. The amendment will be printed and lie on the table.

Mr. GALLINGER. I am appealed to to permit the next section to be read, and I withdraw the motion for that purpose.

The VICE-PRESIDENT. The motion is withdrawn. The Secretary will read.

The Secretary read as follows:

SEC. 3. That section 14 of said act, as amended March 2, 1889, be amended so as to read as follows:

"SEC. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made.

"All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of.

"The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports."

Mr. GALLINGER. Let the next section be read likewise.

Mr. ALDRICH. Yes; read the next section.

The Secretary read as follows:

SEC. 4. That section 15 of said act be amended so as to read as follows:

"SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section 13 of this act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this act, for the transportation of persons or property as defined in the first section of this act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act, to determine and prescribe what will, in its judgment, be the just and reasonable and fairly remunerative rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. Such order shall go into effect thirty days after notice to the carrier and shall remain in force and be observed by the carrier, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the Commission or otherwise, shall publish and file joint rates, fares, or charges, and fail to agree among themselves upon the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the portion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order.

"The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maximum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists.

"If the owner of property transported under this act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for in this section.

"The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this act."

Mr. GALLINGER. I renew my motion.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. NELSON. I want to move a short amendment.

Mr. GALLINGER. I think it had better be done to-morrow.

The VICE-PRESIDENT. The Senator from New Hampshire declines to yield.

EXECUTIVE SESSION.

Mr. GALLINGER. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 11, 1906, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 10, 1906.

RECEIVERS OF PUBLIC MONEYS.

Sargent S. Morton, of California, to be receiver of public moneys at Oakland, Cal. (temporarily removed from San Francisco by Executive order of April 28, 1906), for the unexpired part of his term of four years from February 4, 1903.

Joshua G. Wood, of Kansas, to be receiver of public moneys at Topeka, Kans.

Walker A. Henry, of Spokane, Wash., to be receiver of public moneys at Waterville, Wash.

Harry F. Nichols, of Ellensburg, Wash., to be receiver of public moneys at North Yakima, Wash.

REGISTERS OF THE LAND OFFICE.

J. J. Payne, of Des Moines, Iowa, to be register of the land office at Des Moines, Iowa.

William F. Haynes, of Coulee City, Wash., to be register of the land office at Waterville, Wash.

Truman G. Daniells, of Alameda, Cal., to be register of the land office at Oakland, Cal. (temporarily removed from San Francisco by Executive order of April 28, 1906).

POSTMASTERS.

OHIO.

George G. Sedgwick to be postmaster at Martins Ferry, in the county of Belmont and State of Ohio.

PENNSYLVANIA.

Alpheus B. Clark to be postmaster at Hastings, in the county of Cambria and State of Pennsylvania.

George H. Moore to be postmaster at Verona, in the county of Allegheny and State of Pennsylvania.

WISCONSIN.

Henry G. Kress to be postmaster at Manitowoc, in the county of Manitowoc and State of Wisconsin.

Frank S. Moore to be postmaster at Lake Geneva, in the county of Walworth and State of Wisconsin.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 10, 1906.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read, and, on motion of Mr. PAYNE, was approved.

PERSONAL REQUEST.

Mr. BINGHAM requested leave of absence, for ten days, on account of sickness.

Mr. PAYNE. Mr. Speaker, I move that the request be granted.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 112, noes 5.

Mr. WILLIAMS. I make the point of no quorum, Mr. Speaker.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-seven Members present; the ayes have it, and the motion is agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. CRUMPACKER in the chair.

Mr. KEIFER. Mr. Chairman, I wish to make a request. It has been my purpose to avail myself of an opportunity to submit some remarks on that part of the naval appropriation bill which provides for the building of a battle ship, but I know now that I will not be able to be present when that part of the bill is reached, and I ask the courtesy of the House to be allowed fifteen minutes to make some remarks on that clause of the bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that he may address the committee for fifteen minutes on the subject of the enlargement of the Navy. Is there objection?

There was no objection.

Mr. KEIFER. Mr. Chairman, it has been my purpose to make only a few remarks on that part of this naval appropriation bill which authorizes the building under the direction of the President of the United States, through the Navy Depart-

ment, of a battle ship of the largest size and the equal in all respects to any in the world, at a cost of not exceeding $6,000,000. A few minutes will suffice for me to say all I desire on the subject.

I have no naval experience or technical knowledge as to ships or their armament, though I have seen something of war. I recall that on February 20, 1885, more than twenty-one years ago, I took the floor in this House (Forty-eighth Congress) in opposition to a bill recommended by a naval construction board, by the Secretary of the Navy, and by a committee of this House—unanimously, I think—proposing to appropriate some millions of dollars to repair old wooden ships and to build or complete ships for our Navy on obsolete plans that had been adopted.

In the discussion of the bill much was then said by eloquent and patriotic statesmen as to what was requisite to the strength of our Navy in war. The achievements of John Paul Jones and other great sea captains in the Revolutionary period and in later periods in our country's glorious history were eloquently recalled; and it was loudly declaimed here that what was wanted was personal valor and heroic spirit to secure victory on the high seas. Lord Nelson's naval victories at Aboukir, Copenhagen, and Trafalgar were pictured as examples to be imitated; and much was said here about returning to the era of close fighting and the capture of ships by lashing them together and by boarding them. These heroic notions I then tried to dissipate, and succeeded so far that the proposed appropriation was never made. I demonstrated that there were even then a few ships in existence any one of which would have been able in a little time to annihilate the largest fleet Lord Nelson ever commanded—indeed, sufficient to have destroyed all the combined fleets that he had ever seen. Even some third and fourth rate powers then possessed each a ship equal to this—Italy the *Lepanto* and Brazil the *Riachuelo*.

It was also made clear then that the fourth-rate South American power, Chile, with her then one modern war ship, *Esmeraldo*, could have annihilated all the Navy of the United States proposed to be created under the then pending bill; and had it all been placed on the Pacific coast, the *Esmeraldo* could have triumphantly captured every port of the United States from San Diego to San Juan de Fuca. Brave spirits on obsolete ships are no guaranty of success. Nelson won Trafalgar, and a place in Westminster Abbey. He never commanded a ship that would have survived ten minutes in a combat with a modern war ship. The day of boarding a ship with marines carrying short arms and fighting on ship deck hand to hand disappeared more than fifty years ago and with the coming of steam power to propel a war vessel.

When, on April 4, 1862, the transport *Carondelet* steamed down the Mississippi past Island No. 10, Captain Hottenstein, with twenty-three men of the Forty-second Illinois Volunteer Infantry, was ordered to protect the vessel from boarders. He put a boy in a protected place with a nozzle of a hose connected with the engine boiler in his hands, with instructions to squirt hot water on all who might attempt to board and capture the ship. [Laughter.] Neither numbers nor valor could cope with such a foe, and the idea of boarding to capture a modern steam vessel, let alone a war ship, vanished, and forever.

Since 1885 much progress in war ships, cruisers, torpedo boats, etc., in arms, armament, and armor, in speed and propelling power for ships has been made. We had a navy in 1898, though inferior to that of some other powers, yet able to win for our country victories which placed it first among the nations of the earth. But satisfactory and successful as our Navy proved to be in the Spanish-American war at Manila Bay (May 1, 1898) and Santiago (July 3, 1898), yet we have no reason to believe we then had a navy capable of coping with any real first-class naval power, and our Navy is certainly not now the equal to that of even a power like little Japan. We are now far down the list of countries in number and size of war vessels of all kinds and in their speed and strength.

Our recent naval successes against Spain should not lure us into a feeling of security. Our modern Navy has never fought a real naval engagement. Dewey in Manila Bay, with his long-range guns, easily reached and destroyed the Spanish ships there, he keeping well beyond range of the enemy's shots. He had time to deliberately haul off and cool his guns and make and cool coffee for the men of his fleet before finishing the battle. At Santiago conditions were different, but there was no real naval battle there. Our gallant officers and men did all there was to do and they did it well. They winged, sunk, or ran ashore the flying fleet of Cervera. There was no arraying of ship against ship or fleet against fleet. It is hard to say that a real naval engagement with modern war ships, cruisers, torpedo boats, etc., with the improved modern guns, has ever been fought. There was some appearance of it in a small way in the Japanese-Chinese war and in a war between Chile and Peru. There was some fighting of isolated ships at Port Arthur in the Japanese-Russian war, and in the same war, in the Straits of Korea, in Japanese waters, there was fought (May 27, 1905) a great naval engagement with modern ships and torpedo-boat destroyers, which, measured by results in destruction of ships, etc., never had an equal; yet, tested by all that goes to make a sanguinary sea battle, it is much like that of Santiago. Rojestvensky was there, too, seeking to evade rather than meet Togo and his fleet. The former was never prepared to meet an attack, and no part of his numerous fleet made anything like a combined one. He moved his fleet into a trap, and the several ships thereof in the main sought safety by attempting to sail away.

If the United States is to maintain her place among the great nations of the world, and remain immune from attack by sea, and protect her maritime commerce, she must have a first-class modern navy—first-class battle ships. She does not now possess them in comparison with other nations. The United States is not liable to attack by land forces by any foreign power if she possesses a good navy. She is water bound and water isolated. Her coast line is long, saying nothing of Alaska and her newly acquired island possessions. Including the principal lakes on the north, the Atlantic on the east, the Gulf of Mexico on the south, and the Pacific from San Diego to San Juan de Fuca on the West, the coast line is above 33,000 miles in length, not including inlets or deep bays. This coast line is one and one-third times greater than the circumference of the earth at the Equator.

Webster, speaking of the extent of the British Empire, said of its morning drum beat, that—

> It follows the sun in its course, keeps pace with the hours, and circles the earth with one continuous strain of martial music.

The same may now be said of the United States. The sun never ceases to shine on the flag of our Republic, unfurled and floating defiantly over our possessions. [Applause.]

With an adequate navy we can protect our island possessions as well as our natural coast and our commerce. Without such navy our exposed parts will be a temptation and invitation to other nations to attack, despoil, humiliate, degrade, and dishonor us. With such a navy our small standing army may still be maintained with safety, leaving to the volunteer citizen soldier to supply any deficiency in it should war come.

To maintain such a navy and army will insure that peace so much to be desired by all the friends of universal and eternal peace. The old maxim, "*In peace prepare for war*" was long ago obsolete. It was always barbaric. It was never sound in principle from a standpoint of true civilization. [Applause.] It was used in purely warlike times, when all the nations of Europe expected to be involved in war and before civilization was evolved out of barbarism, and when wars were waged for crowns for ducal heads and not for the rights and liberty of man. The maxim now should be, "*In peace prepare to maintain it.*"

Our annals have been bloody. In the ninety years from Lexington (1775) to Appomattox (1865) we were, excluding Indian wars, engaged fifteen years in war, on an average one year out of every six.

In more recent years, when the civilized nations have generally maintained a continuous war footing, wars have been much less frequent. A third of a century of peace passed after the civil war, and then we volunteered to go to war purely for humanity's sake, without an international dispute. Much as the Christian and civilized people of the world desire and pray for peace—universal peace—our Republic can not alone remain unprotected.

I favor The Hague court or tribunal and welcome its continuance, and believe much may be accomplished by peace conferences. Much has already been attained in securing peace to the world. The fact that wars are much less frequent when the great nations are constantly prepared to wage it gives room for the creation of international courts to settle international disputes. The time will come, it is ardently to be hoped, when disarmament may begin by mutual consent, but that time has not yet arrived. The nations that unite in submitting their international disputes to arbitration or an international court must still be prepared to enforce its decrees—they must, like the decrees of all civil courts, have a physical power to enforce them, to give them potentiality. It is a mistaken notion to suppose that courts are independent of the executive branch of the State or Federal power. The courts' decrees would be a nullity for want of power to enforce them unless the constabulary, police, or military power could be invoked through the Executive, or otherwise, to execute them. Until the millennium

comes, until all see eye to eye, physical power will be invoked to maintain order, prevent anarchy, and to maintain society and preserve organized liberty. I say this much though I believe much has been accomplished by recent efforts through The Hague tribunal and peace conferences toward securing peace among the civilized countries of the world. But let us, by a properly constructed and equipped Navy, stand with the greatest of the world powers, able to maintain our own integrity, uphold our own form of government and flag, and to guarantee, if possible, the peace of the world. [Loud applause.]

Mr. FOSS. Mr. Chairman, in the consideration of the bill we passed over without prejudice the paragraph relating to recruiting, on page 5 of the bill, and I would like to return to it. There was pending upon that paragraph an amendment offered by the gentleman from Massachusetts [Mr. KELIHER], and I call for the reading of that amendment.

Mr. KELIHER. Mr. Chairman, I ask unanimous consent to offer a substitute for that amendment.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to withdraw the amendment he offered the other day, and offers the following as a substitute. Is there objection? [After a pause.] The Chair hears no objection.

The Clerk read as follows:

On page 5, line 16, after the word "dollars," add: *"Provided*, That no part of this appropriation shall be expended in recruiting seamen, ordinary seamen, or apprentice seamen, unless a certificate of birth or evidence other than his own statement satisfactory to the recruiting officer, showing the applicant to be of the age required by naval regulation, shall be presented with the application for enlistment."

Mr. FOSS. Mr. Chairman, I will state that I took this matter up with the Department and with the Chief of the Bureau of Navigation, and they wrote me their views in relation to it, which I will ask the Clerk to read.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF NAVIGATION,
Washington, D. C., May 10, 1906.

SIR: The Bureau firmly believes that the recruiting officers of the Navy strictly comply with the "Instructions for Recruiting Officers," which requires (p. 3, par. 823–1) that "he (the recruiting officer) shall, in order to guard against illegal enlistments, personally inspect and question those offering to enlist. He shall examine into their qualifications and determine their fitness and capacity."

Page 4, paragraph 2: "He shall carefully explain the regulations regarding enlistments, promotions, and discharge to those offering to enlist, explaining to them the kind of life they are to lead and that it will be mostly spent on board ship. He will use great care to see that no one under his command makes any promises or statements to applicants regarding advancement, instruction, or benefits in the Navy which can not be carried out after enlistment, and to have each applicant distinctly understand that discharge will not be granted prior to the expiration of enlistment."

2. The amendment proposed for insertion, on page 5, line 16, of H. R. bill 18750, is not at all necessary or for the best interests of the service, as all practicable means for preventing illegal enlistments are already being taken. In addition, the insertion of the amendment in question would require the accounting officers of the Treasury to make certain rules for the expenditure of the money appropriated, and such rules might seriously hamper recruiting.

3. The Bureau therefore trusts that the amendment will not be inserted.

Respectfully,

G. A. CONVERSE,
Chief of Bureau.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

DEPARTMENT OF THE NAVY,
BUREAU OF NAVIGATION,
Washington, D. C., May 9, 1906.

SIR: Referring to the discussion of the naval appropriation bill in the House yesterday, and especially to the amendment introduced by Mr. KELIHER, the Bureau desires to state that it would be impracticable in a great many cases to obtain a certificate of birth of an applicant for enlistment, or any more evidence of his age than is now required of him. The Bureau believes that all the recruiting officers use every possible means to ascertain the age of boys about whom there appears to be any doubt; that where the recruiting officer is not satisfied as to the correctness of the boy's statement, he directs him to call again in a few days, in the meantime endeavoring to verify the boy's statements, by correspondence if the applicant is from a distance, and by personal investigation if in the boy's home city. The Bureau's instructions to the recruiting officers are very explicit upon this point, and it believes the instructions are followed as nearly as possible. In spite of all precautions, however, it is impossible to prevent all cases of perjury.

Every applicant for enlistment is interviewed, first, by a petty officer of the recruiting station, who questions him closely, and explains to him carefully what will be expected of him if he enlists. If he passes this preliminary examination, the recruiting officer takes him in hand, explaining to him the seriousness of the oath he must take, the consequences of fraudulent enlistment, the term of enlistment, and the impossibility of obtaining a discharge before the expiration of the term, except for cause. The Bureau on its part uses every possible effort to prevent the enlistment of boys under age, and of boys over 18 whose parents object to their enlistment. To require the recruiting officer to obtain a certificate of birth or similar evidence in every case would hamper the recruiting service and interfere with the enlistment of many men to whose enlistment there can be no objection. It would not put a stop to perjury, for if parent's consent papers can be forged, as has been done, birth and other certificates will be. The Bureau begs to assure you that it is its constant effort to avoid other than absolutely legal enlistments, and an illegal enlistment only makes additional work and trouble for all concerned. The Bureau has yet to find a case of this sort in which the illegal act was not due to the anxiety of the applicant to enter the service; and has yet to find a case in which it has been established that the recruiting officer has not pointed out to the applicant the necessity of a correct statement of age, and the trouble that would follow taking a false oath.

Regarding the Executive order prohibiting discharges prior to expiration of enlistment, except for the causes mentioned, the Bureau states that this order has been in force for nearly four years, and its effects have been beneficial. Its provisions are fully explained to every recruit, and he enters the service fully realizing that he must complete his enlistment.

Respectfully,

W. P. POTTER,
Acting Chief of Bureau.

Hon. GEORGE EDMUND FOSS,
Chairman Committee on Naval Affairs,
House of Representatives.

Mr. McCALL. Mr. Chairman——

Mr. RIXEY. May I interrupt the gentleman to say that I want to offer a substitute, and perhaps the gentleman would like to have it offered before he speaks.

Mr. McCALL. Very well.

Mr. RIXEY. Mr. Chairman, I offer a substitute providing that no minor under 21 years of age shall be enlisted without the written consent of the parents or guardian.

Mr. KEIFER. Is not that the law now?

Mr. RIXEY. No; the law now is that the consent of the parents or guardian is required up to the age of 18, but it does not say written consent. And then there seems to be no law on the subject between 18 years of age and 21. The Bureau of Navigation has so construed the law that it has the right to enlist boys between 18 and 21 without the consent of the parent or guardian.

Mr. KEIFER. I was under the impression that it required the written consent.

Mr. RIXEY. No; it does not.

Mr. McCALL. Mr. Chairman, what I wish to say is called out by letters to the chairman of the Committee on Naval Affairs, which have just been read. The phraseology of these letters, it seems to me, is not exceedingly frank. They do not deal frankly with the real evil, which is permitting boys under 18 years of age to enlist. I had a case in my district where a boy residing in the city of Cambridge was enlisted by a recruiting officer before he had reached his fifteenth birthday. That fact was undeniable, and from that it would almost seem necessary to have a provision in the law that these recruiting officers should not enlist infants in arms.

Mr. FOSS. Let me say to the gentleman that when a boy comes to the recruiting office and asks to enlist in the Navy he has to make out this statement——

Mr. McCALL. Oh, I understand.

Mr. FOSS. His name and birthplace, and then, in addition to that, when he is under age, he has to have made out this oath of parent or guardian and sworn to before a proper officer.

Mr. McCALL. But when a boy is only 12 or 13 or 14 years of age he does not understand the importance of an oath, and I believe that our recruiting officers are not sufficiently careful in enlisting boys who may be under 18 years of age. When a boy of 14 does enlist, then there is a great ado about the papers that this infant has signed and the perjury that he has committed. Now, in this particular case, instead of discharging that boy immediately, as he should have been discharged, under the theory that he was not fitted for the service, they went to work and tried him for a fraudulent enlistment. The trial was before officers of the Navy, who were humane men. How they reached their verdict I can not understand, but they found that he was not guilty. So it must have been that they were very much affected or influenced by the tender age of the boy, and the result of it was that he was finally discharged because he was unfitted.

It is an undeniable fact that in the neighborhood of these recruiting stations, which in the city of Boston are in the vicinity of a great many saloons, you will see pictures representing the blue water and a beautiful ship and a sailor who looks almost superior to an admiral, pictures which appeal strongly to the imagination of a boy. A boy goes there and does not understand the legal documents, and I submit that the recruiting officers—I know of two or three instances of the sort—do not, as a matter of fact, exercise the care that they should exercise in dealing with young boys. I do not know whether the amendment of my colleague is in workable shape or not, but unless this abuse is reformed by the Navy Department it should be reformed by Congress.

Mr. BARTLETT. I should like to ask the gentleman a question.

Mr. McCALL. Yes.

Mr. BARTLETT. I should like to inquire of the gentleman from

Massachusetts what right a naval officer now has under the law of the United States to enlist a boy under 21 years of age without the consent of his parents?

Mr. McCALL. I was not talking about the right of a naval officer to enlist a boy; but what they do is this: They produce these legal documents, which they ask the boy to sign, and in those documents the boy sets forth a case which, upon its face, justifies the officer in enlisting him. Then they have him swear to his age, and when it is found that the boy is under age—in the case of this boy I referred to, under 15—then he is accused of fraudulent enlistment, and his father has this alternative, either to permit his boy to remain in the Navy, although too young for it, or else run the risk of his being tried for fraudulent enlistment and sentenced to a term in prison and to have him dishonorably discharged from the Navy, which will forever disqualify him from serving his country.

Mr. BARTLETT. I wish to suggest to the gentleman that if there is no law now on the statute books which permits a boy to be enlisted under age, without the consent of his parents, then all enlistments under 21 years of age are illegal, and if the law now does permit enlistments under 21 years of age without the consent of parent or guardian it should be changed, and in that way these cases will be prevented. I have had several cases of this sort in my district, and I want to prevent anything more of the kind.

Mr. McCALL. Then the gentleman believes in the amendment offered by my colleague?

Mr. BARTLETT. Certainly I do.

Mr. McCALL. I am disposed to accept that.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. FOSS. Mr. Chairman, I desire to correct a little misinformation in regard to this matter. I desire to call to the attention of the gentleman from Massachusetts [Mr. McCALL] these facts: When a boy goes to the recruiting office to enlist he is obliged to answer these questions: Name, birthplace, date of birth, nativity, present residence of parents, height, weight, color, and then he is examined as to chest measurement, what sickness he has had and at what age, and is asked a number of other questions. Then, if he is under 18 years of age, his parent or his guardian must swear to this before a proper officer:

I, ———— ————, residing in ————, county of ————, State of ————, do hereby consent to the enlistment of ———— in the Navy of the United States as ———— to serve until ———— unless sooner discharged, subject to all the requirements and lawful commands of the officers who may from time to time be placed over him, and I do hereby relinquish all claim to his services and to any wages or compensation for the same, and I do hereby certify that he was born in ———— on the —— day of ————, 19—, and I, the said ————, do solemnly swear and affirm that I am the parent of said boy.

That is sworn to before an officer. Now, what better evidence could the recruiting officer have than that?

Mr. McCALL. Mr. Chairman, will the gentleman yield for a moment?

Mr. FOSS. Yes.

Mr. McCALL. That is in a case where the boy swears he is under 18 years of age, but suppose a boy of 14, as in this case, has made an affidavit that he is over 18 years of age, then where do you get the oath of the parent? I say that there are too many of those young minors enlisted and their oaths accepted as proof of the fact that they are over 18 years of age, when they simply want to break into the Navy, and that sufficient care is not used by recruiting officers in dealing with such young boys.

Mr. FOSS. Most of these cases, I think, which have been referred to on the floor have been where boys were very anxious to get into the Navy, and perjured themselves in order to get there.

Mr. KELIHER. Mr. Chairman, I desire to ask the gentleman from Illinois if it is not a fact that the case he has cited does not cover the cases that we are aiming to cure the abuse of at the present time. The gentleman is reading a certificate blank that is to be filled out by the parent of a boy who says he is under 18 years of age, who is an honest applicant, who has the consent of his parents. What we are going to get at is the case of a boy who says that he is over 18 years of age, when, in fact, he is about 15, or under, and who perjures himself by declaring he is over 18. That is the boy we are trying to get at, and he is not reached by the oath demanded in the certificate that the gentleman from Illinois reads. [Applause.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, will the gentleman yield for a question?

Mr. FOSS. Yes.

Mr. SULLIVAN of Massachusetts. I want to point out to the gentleman from Illinois the further fact that even in the case he mentions that oath required does not have to be taken before the recruiting officer, but may be taken before some one else. Therefore the recruiting officer has no means of knowing whether the persons who made the oath were actually the parents of the boy.

Mr. FOSS. That is true. The oath is taken before any officer who has the power to administer oaths.

Mr. GREENE. Mr. Chairman, I would like to state that I live in a city 18 miles from Newport, R. I., where there is a naval station, and there are a very large number of enlistments in the city where I reside. A great many young boys are enlisted. They become dissatisfied with something at home or something in the mill where they work and go to the naval recruiting officer, and he asks them their age. They are all posted as to what is required of them, and they state that they are over 18 years of age. Of course they commit perjury—we all know that; but they are enlisted. Their parents do not know where they are, and they get away from home and the first information the parent has is that he gets from receiving the boy's clothes from Norfork, Va., or somewhere else. He then finds that his boy has enlisted in the Navy, and yet that boy is under age. I have many, many letters from parents in regard to such matters, and I am met by the certificate of the Secretary of the Navy, approved by the President, under which no person can get out of the Navy unless the commanding officer consents or unless the boy has proved inefficient or is in ill health. If a provision were made like that which my colleague from Massachusetts [Mr. KELIHER] has offered, providing for the birth certificate to be produced, it seems to me that that would cure the evil. I know the Navy Department states that the birth certificate is difficult to produce. I am positive, however, that it is not difficult to obtain a certificate of birth.

Mr. FOSS. Mr. Chairman, may I interrupt the gentleman to suggest that in some cases they probably could not procure the birth certificate?

Mr. GREENE. Well, in the cases where the birth certificate can not be secured, then the boy had better not be in the Navy. It can be procured from the city or town clerk, for every city or town clerk in the State of Massachusetts keeps a record of the births, and if the boy is a Catholic, it can easily be procured from the parish records.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GREENE. I want to say those certificates can be furnished no matter what the Navy Department states about it; they can be furnished.

Mr. FOSS. I yielded for a question only and——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSS. I want to say just one word upon this subject. This amendment which is before the House requires that the recruiting officer shall demand a certificate of birth or some other evidence from the young man. As it is at the present time they require an oath from the parent or guardian before enlisting the young man in the Navy. In some cases those are forged undoubtedly. Young men are so desirous of getting into the Navy they get somebody to swear they are the parent or guardian and that is brought to the recruiting officer and the young man is enlisted in the Navy. That is undoubtedly done at the present time, but it seems to me all these matters ought not to be regulated here by Congress. We ought not to provide what evidence as to age the recruiting officer shall take. You might go into a whole lot of other questions as to nativity and as to many other things which the applicant has to answer in his application. Those are matters to-day of regulation by the Department.

Mr. WACHTER. Will the gentleman yield?

Mr. FOSS. Now, if those gentlemen who have grievances would go to the Department, or speak to me about them, I would be glad to have the regulation changed; but this is a matter purely of regulation. If you adopt this amendment introduced by Mr. KELIHER you may absolutely tie up this whole appropriation of recruiting because the Comptroller of the Treasury passes upon this. You say by this amendment no part of this sum shall be used unless satisfactory evidence is brought as to age of every applicant who comes to the recruiting officer to enlist, and what the Navy Department is fearful of is that you will absolutely make it impossible for them to recruit any men during the coming year and that the whole matter will become simply a legal question tied up here in the Comptroller's office. Now all these matters of regulation as to enlistment, as to what evidence shall be taken with reference to age and such question, ought to be a matter of regulation in

the Department. Any grievances which are made here by Members of Congress which are just and reasonable will be remedied by the Department.

Now, that is where we ought to leave this matter, in my judgment. I think in the question of enlistment we often listen to stories and yarns told by the parents of a good many of these boys. Why, I know one day parents will come to us and wish to enlist boys in the Navy, and after the boys have been in the Navy a few weeks and do not find it as congenial a life as they expected they want to get out, and the same parents who a few weeks ago urged us to secure enlistment for their boys a few weeks afterwards come back and try to move heaven and earth to try to get those boys out of the Navy. Now, there must be some rule. If you are going to have a navy, you must have some rule in regard to enlistments and discharges, otherwise you will not have a navy. If you are going to leave it to the caprice and whim of the parents or the boy that he may go into the Navy whenever he wants and go out whenever he wants, what sort of a personnel are you going to have? Now, I want to say something has been said here on this floor with reference to this fraudulent poster, so called. I thought I would bring in one here this morning. Look at it for a moment. Is there anything so fraudulent about that poster? That is taken from actual life. This is the battle ship *Connecticut*, and the picture was taken of that ship and put here in this poster. Now, the picture of this boat down here and these sailors in it was taken down here at the Washington Navy-Yard. How would you paint the clothing on those sailors; any different color from blue? How would you paint the boat; any different color from the white it is? How would you paint the American flag in colors different from the red, white, and blue? I tell you that these statements which have been made here criticising the Bureau of Navigation and the recruiting officers of our Navy I do not believe are justified by the real facts. I do not see anything out of the way about that poster that would indicate or would justify gentlemen saying it was a fraudulent one and that the Navy is trying to impose upon the people and the boys of the country.

Mr. PARKER. Will the gentleman permit a question?

Mr. FOSS. Yes.

Mr. PARKER. What does the gentleman say to that big capitalized statement on the poster, "Pay $16 to $70 a month?" It is good after they have been promoted to officers, but it is not good when they first go in.

Mr. FOSS. They have raised the pay up to $16 a month.

Mr. PARKER. How does it get to $70 a month except when they have been promoted after long service?

Mr. FOSS. They go on up to $70.

Mr. PARKER. How soon?

Mr. FOSS. Not only that, but when they come to the recruiting office they get these pamphlets, which they can read through, and which are entitled "Advice and Instruction for Recruits."

Mr. COCKRAN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. FOSS. Here is another poster.

Mr. COCKRAN. I would like to ask the gentleman from Illinois if the poster that he has been exhibiting fairly represents to the mind of an applicant for enlistment the whole routine of his duty in the Navy?

Mr. FOSS. Oh, no, no.

Mr. COCKRAN. Now, I will ask the gentleman if there can be a more effective method of misrepresentation than what is known as the suppressio veri?

Mr. FOSS. I will let the gentleman answer that himself.

Mr. COCKRAN. There is only one answer.

Mr. FOSS. You can not put into a picture like that all of the duties——

Mr. COCKRAN. But I asked the gentleman——

Mr. FOSS (continuing). Which the men in the Navy will be called upon to perform. But in addition to this there are pamphlets entitled "Advice and Instructions for Recruits in the United States Navy." There is plenty of information given to them if they will only read it.

Mr. GOLDFOGLE. That is not the only poster.

Mr. FREDERICK LANDIS. Could you not have an album of several hundred pages, with moving pictures in it?

Mr. McNARY. Mr. Chairman, I would like to ask the gentleman if that poster is not the result of a number of designs advertised for by the Navy Department, sent out through the Post-Office Department, and luring young boys into the Navy, and whether the prize was not made to the firm that submitted it and had it printed?

Mr. FOSS. I did not hear the gentleman's question.

Mr. McNARY. I will ask it again. I would like to know whether or not that poster is not the prize design poster submitted by a firm in Washington as a result of the request of the Navy Department for bids and for designs, and that that poster, submitted with a number of others, was agreed upon as being the most attractive, possibly, and alluring, to induce young boys to enter the Navy? Whether or not that particular poster is not a prize poster paid for by the Department?

Mr. FOSS. I do not know whether that is a fact or not. This is the first time I have heard of it.

Mr. McNARY. It is so stated to me, and the concern that won the prize is a Washington concern, located down near the corner of Fifteenth street and Pennsylvania avenue, or thereabouts.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that his colleague [Mr. Foss] may proceed for five minutes. Is there objection?

There was no objection.

Mr. MANN. Now, will my colleague yield to me for a question?

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. FOSS. I do.

Mr. MANN. I would like to ask my colleague whether he thinks it is essential to the Navy, in order to obtain men for it, that it shall imitate the circus country poster, which is issued in flaming colors to get boys inside the circus? Is it necessary for the United States Government to imitate Barnum and Bailey to secure men to run the Navy?

Mr. FOSS. No; I do not think it is necessary, nor do I think that these advertisements are of that character.

Mr. MANN. Certainly that which the gentleman produces is an imitation of a circus poster.

Mr. SULZER. Worse than a circus poster. It says, "What a splendid opportunity to see the glories of the Orient!" [Great laughter.]

Mr. DAVIS of Minnesota. Will the gentleman allow me to ask him a question?

Mr. FOSS. Yes.

Mr. DAVIS of Minnesota. I am heartily in accord with the gentleman from Illinois, the chairman of the Committee on Naval Affairs, and the Navy of the United States, in their effort to secure good sailors for the Navy. Now, for information for myself, and I think the House wants similar information, I would like to have the gentleman exhibit the other poster that he held underneath the one with the picture of the ship on.

Mr. FOSS exhibited the poster.

Mr. DAVIS of Minnesota. I notice it says in large type, "Great opportunity for advancement."

Mr. FOSS. Yes.

Mr. DAVIS of Minnesota. Now, I am unaware of the opportunities for advancement of the common sailor in the Navy. For the benefit of the House, and information purely, I would like to ask the gentleman if he has sufficient knowledge to inform the House what the "great opportunities for advancement" are in the Navy as regards the common sailor, other than age?

Mr. FOSS. Well, a boy may enter the Navy, and if he proves himself to be a good man, he can go up through the different grades of petty officers and go up into the commissioned grade of the Navy.

Mr. GOLDFOGLE. How long does that take him? Has the gentleman any record to show?

Mr. DAVIS of Minnesota. What boy has been able to get to be an Admiral of the Navy?

Mr. MANN. How many enlisted men have become commissioned officers in the Navy?

Mr. KEIFER. Farragut and others came up from service on the deck.

Mr. DAVIS of Minnesota. I am very much obliged for the information, and it is surely information to me; I never heard very much of it before. But does the gentleman think that the young men really appreciate what is the meaning of that "great opportunity for advancement" he has? And if so, I think the country and the House ought to know it.

Mr. FOSS. Well, it depends entirely upon the boy. I do not presume a boy of 17 or 18 years of age fully understands the opportunities or appreciates the position.

Mr. DAVIS of Minnesota. That is just what I wanted to know, and I thank the gentleman for it.

Mr. FOSS. It all depends upon the boy.

Mr. GOLDFOGLE. Why do you put in your advertisement,

"Good opportunity for advancement," when there are very few cases indeed in which advancement is open to the men; and that that is true is proven by the records of the Department.

Mr. FOSS. Every man has a fair chance.

Mr. GOLDFOGLE. How many have been advanced from the position of an enlisted man to a commissioned officer of high rank within the last, say, ten years?

Mr. MANN. Or a commissioned officer at all?

Mr. GOLDFOGLE. Or a commissioned officer at all, as suggested by the gentleman from Illinois.

Mr. FOSS. A number of them have.

Mr. GOLDFOGLE. How many?

Mr. LACEY. I would like to ask the gentleman——

Mr. SULZER. Mention one.

Mr. FOSS. I do not know their names, but they can be furnished.

Mr. GOLDFOGLE. How many in all?

Mr. FOSS. I can not give the exact number.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. LACEY. I want to suggest to my friend, the chairman of the committee, that in view of the various suggestions made on the floor here——

The CHAIRMAN. The time of the gentleman from Illinois has expired. The committee will be in order, and all gentlemen will be seated.

Mr. FOSS. I ask unanimous consent that I may have two minutes more.

The CHAIRMAN. The gentleman asks unanimous consent that his time may be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LACEY. I would suggest to my friend from Illinois that he ask the Navy Department to amend these handbills and put on them, "Who enters here leaves hope behind," in order to encourage enlistment. That seems to be the thought of a great many gentlemen here.

Mr. GOLDFOGLE. The gentleman from Illinois [Mr. Foss] exhibited a postal here——

Mr. FOSS. I want to answer the gentleman's question. The number allowed, I am informed, each year is twelve of the deserving young fellows who can go into the commissioned ranks.

Mr. GOLDFOGLE. I am speaking of the number that are actually advanced.

Mr. FOSS. I do not know how many have been advanced, but I think probably the full number each year.

Mr. ROBERTS. Oh, no.

Mr. GOLDFOGLE. By no means.

Mr. FOSS. Or very nearly the full number.

Mr. GOLDFOGLE. By no means. But I wish to ask you one other question. You exhibited to this House a poster.

Mr. FOSS. Yes.

Mr. GOLDFOGLE. Is that the only poster you are aware of that has been put out to lure young men into the Navy?

Mr. FOSS. There is a larger poster.

Mr. GOLDFOGLE. I should say so.

Mr. FOSS. And here is a photograph of it.

Mr. GOLDFOGLE. Is not that a very large poster, about the size——

Mr. FOSS. It is about 10 feet long and 6 or 7 feet wide.

Mr. GOLDFOGLE. About the same size that the theaters and circuses use, as was suggested here.

Mr. FOSS. It says: "Young men wanted for the Navy, ages 17 to 35. Communicate with the recruiting office."

Mr. GOLDFOGLE. And a picture of a large battle ship.

Mr. FOSS. Yes; the *Connecticut*.

Mr. SULZER. And oriental trees in the distance.

Mr. GOLDFOGLE. Palms and beautiful foliage in the distance. Are not those very large posters that you have just mentioned displayed in all the cities in the United States, on the dead walls of the city?

Mr. FOSS. They are displayed. On what kind of walls they are displayed I do not know.

Mr. GOLDFOGLE. Well, they are displayed on the fences and dead walls of the cities. Is not that true?

Mr. FOSS. I think that is probably true.

Mr. GOLDFOGLE. Does the gentleman from Illinois believe that is the proper way of advertising the United States Navy with dignity and of attracting worthy young men to go into the service? I should like a frank and fair answer from the gentleman from Illinois.

Mr. FOSS. What would the gentleman from New York do?

Mr. GOLDFOGLE. I would not attempt any such claptrap advertisements in order to attract men into the Navy.

Mr. KELIHER. Mr. Chairman, the House has heard the statement submitted by the naval officials to the effect that great care is exercised in recruiting these boys. Nevertheless, if a recital of the complaints known to Members of this House should be called for at this time, the afternoon would be taken up in listening to harrowing tales that have come to the personal attention of almost every Member. The recruiting officers must plead guilty to one of two things—either they are lamentably lacking in judgment, or they willfully ignore the spirit and letter of the enlistment law. If the Navy wants these young boys, let it say so, and let it be done strictly by regulation and in accordance with law.

Mr. LILLEY of Connecticut. How would you get them?

Mr. KELIHER. If the gentleman will be patient for five minutes I will endeavor to tell him.

Mr. LILLEY of Connecticut. Will you allow me just to say to you that we are some seven or eight thousand short now of making up our quota, that the ships have not men enough to man them, and even with all these alluring advertisements we are unable to get enlistments enough.

Mr. WILLIAMS. Does the gentleman want these boys in the Navy who are under age?

Mr. LILLEY of Connecticut. I think a boy, if he intends to follow a seafaring life, is old enough when he is 17 or 18 years of age to go into the Navy.

Mr. WILLIAMS. As the gentleman from Massachusetts [Mr. MCCALL] says, why make a restriction in the law that you do not follow?

Mr. LILLEY of Connecticut. I should like to know how you are going to get men for the Navy?

A MEMBER. Pay them better.

Mr. LILLEY of Connecticut. It has been impossible to get them this past year or two. We are seven thousand short of our quota.

Mr. GOLDFOGLE. Does the gentleman think that a boy 17 years of age, whose mother is insane and whose father is dead, should be kept in the Navy when his services are imperatively demanded at home?

Mr. LILLEY of Connecticut. No; I do not.

Mr. KELIHER. Mr. Chairman, I am not complaining about the age fixed by the Department in the regulations at which they take the boys, but we are aiming to keep out the boy who falsely declares himself to be of an age beyond that which is his own age. That is the boy we are trying to keep out. The age is fixed by statute, and the regulations are based upon this statute. The statute gives the Secretary of the Navy the right to take boys from 15 to 18, and to show that the Department itself did not want these boys it, of its own accord, of its own volition, raised the age from 15 to 17; so that the boy to-day can not enlist unless he perjures himself if he has not reached the age of 18.

Mr. GOLDFOGLE. Will the gentleman from Massachusetts yield?

Mr. KELIHER. Yes.

Mr. GOLDFOGLE. Is it not a fact that when a boy does enlist under the lawful age and seeks to be discharged through his parents, the officers of the Navy threaten that they will court-martial this young infant if he dares to assert that he is under age?

Mr. KELIHER. Mr. Chairman, that sad fact has been impressed on the minds of every Member of this House fully. I shall take no more time to emphasize it. But, Mr. Chairman, the point I make is this: The gentleman from Illinois holds in his hand a blank certificate of enlistment pointing out that a boy who declares that he is under 18 years of age has to obtain the consent of his father and mother, and that the statement has to be made under oath. Yes; the honest boy is compelled to bring a statement of his parents sworn to, but the perjurer, the youthful perjurer, with no conception of the enormity of his crime, boldly walks in and declares that he is over 18 years of age, and is accepted without a line or word of evidence other than his falsely uttered statement. My amendment simply makes it necessary for the young evil doer to procure a certificate of his birth or present other written evidence to the effect that he is over 18.

We hear a great deal said in this House that that is impossible. The boys who are enlisting to-day, Mr. Chairman, are around 15, 16, 17 years of age, and in many instances under 21. Now, within the last twenty years our nation has made great progress, and there is scarcely a city, town, or hamlet in this country where provisions have not been made for the registration of births. We are not in war times. It is not necessary to hastily press these boys into service. We might say to them, "Wait a week and write home," even if they belong in Kansas or California; "Write and get your birth certificate." My amendment is drawn with sufficient latitude to do away with that when it proves impossible or impracticable.

The CHAIRMAN. The time of the gentleman from Massachusets has expired.

Mr. RYAN. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Massachusetts be extended five minutes. Is there objection?

There was no objection.

Mr. KELIHER. Mr. Chairman, if this amendment obtains the recruiting officer says to the boy, "How old are you?" He says, "I am 19 years of age." The recruiting officer says, "I want a certificate of your birth." The boy says, "I can't get it." Then the officer, when he finds this to be so, says, "Get some evidence. Where did you work last? Get the evidence from the man you worked for. Get me some satisfactory evidence of any sort."

Mr. Chairman, I want to say that I offer this amendment simply and solely for the purpose of having something—when we find a boy of 14 or 15 enlisting as 18 or over—something in the hands of the recruiting officer to show us upon what evidence he took the boy in. If the recruiting officers had two eyes they would not have accepted these striplings in the Navy to-day. It is simply to bind the recruiting officer to the proper performance of his duty that this amendment is offered to the regulations under which he now recruits.

They tell us that the Treasury Department will hold up the recruiting of the Navy. I would like to ask the chairman of the committee how many times the Comptroller of the Treasury in the auditing of Navy accounts relative to the payment of money for enlisted men has paid any attention to whether enlistment laws or regulations have been strictly observed? I venture to say that he knows of no case whatever. The only trouble with the amendment is that the naval department is unnecessarily sensitive; it believes that we are reflecting on the character of the recruiting officers. I say nothing of their character, but I would that they had used better judgment in the past, and there would have been less of this trouble.

Now, Mr. Chairman, as I said before, the subject of recruiting is established by statute law, and I do not aim to change any statute, but simply to change the regulation in a slight way. I want by my amendment to have the law and regulations properly amended, and so that it will work no hardship to anyone. The duty of getting evidence required does not devolve upon the recruiting officer. It devolves upon the applicant. I repeat, Mr. Chairman, that the Navy Department itself raised the minimum age from 15 to 17. I speak to-day, Mr. Chairman, in no spirit of hostility to the Navy Department or its officials.

I speak for the mothers of the land who lose their boys, rattle-brained young fellows with no conception whatsoever of the seriousness of the crime of perjury. After they have been enlisted they complain to their mothers and the mothers appeal to the Congressmen, but under the ironclad order issued by the President it is impossible to get these boys out without a court-martial. It is to obviate that form of trouble and complaint that this amendment is offered. I reiterate that if it were not for the sensitiveness of the officers in the Navy Department there would not be one syllable of opposition offered to my amendment, which I trust the good sense and sympathy of the House will adopt.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURTIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolution and bills of the following titles:

H. J. Res. 134. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan adjoining certain lands in Lake County, Ind.;

H. R. 15095. An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations; and

H. R. 18204. An act to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C.

The message also announced that the Senate had passed bill and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.; and

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

Mr. WACHTER. Mr. Chairman, I call for the reading of the amendment.

Mr. FOSS. Mr. Chairman, I do not want to take up all the afternoon in discussing this matter. I therefore move that all debate on the pending paragraph and all amendments thereto be closed in fifteen minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to close all debate on the pending paragraph and all amendments thereto in fifteen minutes.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman from Maryland asks for the reading of the amendment. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

Mr. RIXEY. Mr. Chairman, I think in the matter of recruiting we ought to be just to the Government, to the parent and guardian, and to the boy. If the Government acts fairly in the matter of enlistment no harm will be done. It is entirely right and proper for the Government to advertise in a proper way the fact that it needs sailors, and to state what are the advantages to the enlisted men. I think the amendment offered by the gentleman from Massachusetts [Mr. KELIHER] is objectionable and will lower the protection rather than increase the safeguards. His amendment provides that the enlisting officer shall have the certificate of birth or other satisfactory evidence. If, therefore, the officer who enlists is called on to explain why he enlisted a minor he can readily say, "Why, the evidence furnished to me was satisfactory." The evidence might not be satisfactory to anybody else; it does not require the consent of the parent or guardian. His rights are entitled to protection.

Mr. GOLDFOGLE. Does not the amendment say written evidence?

Mr. RIXEY. No; it does not.

Mr. WACHTER. Does not the gentleman believe that that would be a method of bringing it to the notice of the parent or guardian?

Mr. RIXEY. Not necessarily. The officer might say that the affidavit of the boy was sufficient evidence. Certainly it ought not to be left in that way. The present statute provides that where the boy is under 18 years of age the officer shall not enlist him without the consent of his parent or guardian, and I certainly would not alter that law. All that I would do would be to enlarge the scope of it and provide that no boy under 21 years of age should be enlisted without the written consent of his parent or guardian. When you provide that it seems to me it is as far as we can go in justice to all the parties, and the amendment which I offer carries out this idea and requires the enlisting officer to have the consent of the parent or guardian. If the parent or guardian gives written consent and the boy is willing, why should anybody else object? The Government wants the seamen and if the parent is willing and the boy is willing, it seems to me he ought to be allowed to enlist.

Mr. SPARKMAN. Is there not a law now which makes it incumbent upon the officers to discharge these boys when they are found to be under age?

Mr. RIXEY. No; I think not.

Mr. SPARKMAN. Would it not be a good idea to incorporate something of that nature in the amendment?

Mr. RIXEY. If a boy is enlisted without the consent of his parent or guardian where that is required, then as a matter of law the parent or guardian has a right to have the boy discharged.

Mr. WACHTER. But suppose the boy swears that he is 21, and he is not 21?

Mr. RIXEY. If the boy swears that he is 21 when he is not, but appears to be 21, and the officer knows nothing to the contrary, and he is enlisted, then the only thing that can be done is to prosecute the wrongdoer, just as the gentleman would have to do if his name was forged. If the boy is accountable, he can be held responsible for false swearing.

Mr. WACHTER. Then that brings the situation back to where it is now.

Mr. RIXEY. I say that, so far as that is concerned, you can not relieve a man who is of responsible age from responsibility for his acts. I would protect the rights of the parent or guardian, and in doing that it would protect the boy himself.

Mr. BURTON of Delaware. Would the written consent of his parent or guardian add to that, if any exists? A boy who is an orphan and has no estate would have no parent or guardian.

Mr. RIXEY. Then, does not the gentleman think in that case the boy ought to have the protection of the court, and that the court ought to appoint somebody as guardian to act for him?

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREENE. Mr. Chairman, I listened to the remarks of the gentleman from Illinois [Mr. Foss], and he advises Members of this body to go to the Navy Department, and there they will consider the complaints that are made. I have been to the Navy Department many times and have frequently written them, and I have received in reply a little slip of paper on which is a statement from the Assistant Secretary of the Navy giving the conditions under which the man can be discharged from the Navy, and that is accompanied by the order of the Commander in Chief of the Army and Navy forces of the United States, Theodore Roosevelt, under which the Navy Department can shield itself from any responsibility. The instructions to the enlisting officer provide that he shall not knowingly enlist any boy under age. The amendment presented by my colleague is not unreasonable, and it ought to be adopted.

The printed slip, to which I have referred, provides that the recruit can not be discharged except upon complaint to his commanding officer or unless he has proved inefficient or unfit for the service. Therefore the boy having been enlisted in the service by reason of the fact that he has made a false statement, there is no method by which he can be discharged except to submit to punishment for perjury and a dishonorable discharge from the Navy. The amendment offered by my colleague from Massachusetts [Mr. KELLIHER] I claim cures that evil. The gentleman from Illinois says that it will stop enlistments. If it stops enlistments, it is far better for the Navy to stop them, and my idea would be for the Navy Department to make other provisions for securing enlistments rather than to induce young boys to commit perjury in order that they may enlist in the United States Navy. There are complaints about desertions in the United States Navy. The desertions arise largely from the young boys who get into the Navy and are unfit for the service and ought not to be there, and in regard to the difficulty in furnishing birth certificates, my idea would be, if birth certificates can not be furnished, then it would be better that the naval officer should not obtain the recruits.

Mr. BATES. May I ask the gentleman a question?

Mr. GREENE. Yes.

Mr. BATES. Is the gentleman aware, in connection with what he is just stating, how many enlistments there were during the year 1905?

Mr. GREENE. No; I am not aware of the number.

Mr. BATES. Let me read the figures, if the gentleman will allow me.

Mr. GREENE. If you do not take too long; make it short.

Mr. BATES. There were 41,000 applications, and out of 41,000 applications there were 28,000 rejected and only 11,000 passed that were finally admitted.

Mr. GREENE. That makes no difference. What I state would be true if there were only 1,000 accepted. I do not say they do not reject men that ought to be rejected or do not reject boys that ought to be rejected, but they do accept boys that they ought not to accept, and it is not to the credit of the United States Navy that they accept these boys; it is not to the advantage of the United States Navy that they enlist them, and it is, in my judgment, far better to keep them out.

Mr. BATES. This only shows the charge which has been made on the floor of the House, that they take in everyone who applies, is not borne out by the facts.

Mr. GREENE. Whatever may have been said by anyone else I am not responsible for. I simply state they do accept boys who ought not to be accepted in the Navy, and if the boy of a Member of Congress should happen to be enlisted he would not stand it for a moment, but the present system hits the poor boy, the boys of the men who can not afford to take out a writ of habeas corpus to withdraw their sons from the Navy, and they have no means of redress, but are obliged to submit to these regulations which are wrong and ought not to be perpetuated, and I hope that the amendment presented by the gentleman from Massachusetts will prevail, or some amendment will be adopted that will cure the evil which I know exists. And I know that the desertions occur in the Navy and will occur as long as this method continues, and if it is necessary to raise the age or raise the pay it would be better that the Congress should raise the pay. This Government has money enough to increase the compensation rather than to undertake to build a navy up with boys entirely unfit for the service, who are wrung from their families in a way that should not be longer continued.

Mr. PARKER. Mr. Chairman, I do not know whether any amendment providing formalities will do any good. In my experience I have not found that formalities ever do anything but protect carelessness. The difficulty about this whole business of enlistments seems to lie in the care that is taken to see that only the right people are enlisted. My own town consists of about 300,000 people, and it is a large recruiting station, and we have an object lesson before us. There is a little Army recruiting station in that city during the year, where they have time and the opportunity to look into each case, see the parents and get their consents, and there is seldom, if ever, a complaint from the Army recruiting station on the subject of enlistments. But once every year for about a week or two weeks the town is posted with placards describing the benfits of going into the Navy, and a year ago in a week seven cases came to my attention which I could not bring before the attention of the Navy Department, because in about every one of those cases boys who were 16, 17, and 18 had sworn that they were 21 years of age, and to go to the Navy Department was to tell that Department that they had committed perjury, and to put them under the ball and chain.

Now, I do not care about those consequences compared to the act, for the horrible thing is the act of committing perjury, and that it should be encouraged by carelessness in this regard. It is only a few months ago that an Army case came before our committee. A soldier had been promoted to be an officer. His age as reported on promotion was a good deal younger than the age to which he had sworn when he entered the Army, and it was held that a man who had sworn falsely could not be promoted to be an officer. The disgrace is upon the man for life. But the disgrace is likewise upon the Department and the officers if they are careless in enlistments and try to get boys into the Navy without carrying out the regulations and without being careful to bring it before them that it is of importance whether their affidavits are strictly true.

Mr. SLAYDEN. Mr. Chairman——

Mr. KELIHER. Mr. Chairman——

Mr. FOSS. Mr. Chairman, I would like to ask if the time has all been consumed?

The CHAIRMAN. There are two minutes remaining. The gentleman from Texas [Mr. SLAYDEN] is recognized for two minutes.

Mr. SLAYDEN. I am surprised that any objection should be interposed on the part of anyone to the adoption of an amendment which will prevent receiving into the Navy young men who commit perjury, or which will undertake to correct the conditions which permit them to go in with even their parents deceived as to the conditions they are to encounter when they get in.

I do not believe, sir, that 17 or 18 years of age is too young to admit boys to the Navy, but it certainly ought to be done under frank and honest conditions. Frank and honest conditions require that the truth shall be told about their age, and the officers who recruit these young men should be compelled by law to ascertain absolutely what is the age of the boys when they come into the Navy. It has happened, sir, no doubt to every Member of this House, that Representatives have had their attention drawn to the fact that young men have been induced to go into the Navy, sometimes, I admit, because they have been self-deceived, with the idea that they will be able, by enlisting at a tender age and by the study of the profession of seamanship, to arrive at a commission. Now, frankly, sir, it is almost impossible for them to realize that ambition. When we passed the personnel act we provided a very small opening through which young men from the humbler ranks of life, young men without the advantage of graduation from the Naval Academy, might get into the Navy. But, sir, so far as I am advised, so far as this Naval Register discloses to a casual examination, only two young men have ever had the privilege of reaching the grade of junior lieutenant without graduation from the Naval Academy.

Mr. Chairman, the laws have made of the Navy an un-American institution. It is not inviting to the young men of the country, but it ought to be made so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Upon our side of the House there is a gentleman who was formerly in the Navy, and I am going to ask that three minutes be given to the gentleman from Massachusetts [Mr. WEEKS].

Mr. KELIHER. Regular order, Mr. Chairman!

The CHAIRMAN. Objection is made.

Mr. SULLIVAN of Massachusetts. If the gentleman from Illinois will give three minutes over here, we will agree.

Mr. FOSS. Yes. I move that we extend the debate six minutes, which will give three minutes to the gentleman from Massachusetts [Mr. WEEKS] and three minutes to the other gentleman from Massachusetts [Mr. KELIHER].

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time for debate be extended for six minutes, three minutes of which are to be given to the gentle-

man from Massachusetts [Mr. WEEKS] and three minutes to the other gentleman from Massachusetts [Mr. KELIHER]. Is there objection?

There was no objection.

Mr. WEEKS. Mr. Chairman, I particularly want to refer to questions which were asked the chairman of the Naval Committee relative to that statement which is made on the enlistment posters that men receive from $16 to $70 a month and that there is further opportunity for promotion.

Men in the Navy do receive from $16 to $70 a month. At least 5 per cent of the men before the mast are petty officers, who receive when at sea from $40 to $70 a month. In addition to that, there is a grade of officers in the Navy known as warrant officers. Those men are promoted from the men shipped before the mast. There are in the Navy 47 chief boatswains, 93 boatswains, 45 chief gunners, 70 gunners, 39 chief carpenters, 56 carpenters, 6 sailmakers, 201 warrant machinists, and 36 mates. And I believe it is a fact that every one of these men were shipped before the mast and have since received their promotion.

Mr. SLAYDEN. Will the gentleman allow me to ask him a question?

Mr. WEEKS. Certainly.

Mr. SLAYDEN. How many have become commissioned officers in the Navy?

Mr. WEEKS. I am coming to that. The pay of these warrant officers, 596 of them, ranges from $1,300 to $1,800 a year, and every one of them, I believe, enlisted before the mast. In addition to that, under the present law, a law passed in 1901, the President is authorized to appoint from these warrant officers five officers a year to the grade of ensign in the Navy provided they can pass the required examination. That answers the question specifically, it seems to me.

Mr. MANN. How many has he appointed?

Mr. FOSS. About twenty.

Mr. MANN. And what is the reason that they have not been appointed every year?

Mr. WEEKS. Why not?

Mr. MANN. Because the Navy Department turns them down.

Mr. LILLEY of Connecticut. Because they can not pass the examination.

Mr. MANN. Because they will not permit them to take the examination. How many have been appointed?

Mr. WEEKS. That I do not know.

Mr. MANN. You can not give us that information.

Mr. WEEKS. The fact is these men can be examined, five each year, and they are given an opportunity to become commissioned ensigns in the Navy provided they come up to the required standard. [Loud applause.]

Mr. KELIHER. Mr. Chairman, as to the pay of these boys in the Navy or the pay of the petty officers in the Navy, I have no concern whatsoever. I am simply aiming to correct an evil, a specific evil, an evil known to exist by every Member of this House, Mr. Chairman; and I have consulted some of the best minds in this House, some of the best lawyers and parliamentarians, and they tell me that my amendment as drawn and as submitted by me will effect the result that all seek to obtain; and therefore I trust the House will accept my amendment as presented by me. Mr. Chairman, I repeat again, they will not be accepting an amendment which is carelessly drawn by a novice, but they are accepting an amendment carefully drawn after advising with those who thoroughly understand what I want to get at, and who assure me that my amendment will accomplish that at which we aim—to eradicate the evil of fraudulent enlistment of these boys who enlist without the knowledge or consent of parents, guardians, or anybody except to recruiting officer and themselves. [Applause and cries of "Vote!"]

The CHAIRMAN. The gentleman suggested that he desired to ask unanimous consent to change a word in his amendment.

Mr. KELIHER. I ask unanimous consent to insert in the amendment the word "written" that was left out through carelessness in presenting the amendment.

The Clerk read as follows:

Insert the word "written" before the word "evidence," so as to read "certificate of birth or written evidence other than his statement," etc.

The CHAIRMAN. Is there objection to the request of the gentleman to correct the amendment as indicated? [After a pause.] The Chair hears none.

The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

Mr. RIXEY. I would like to ask if the first vote will not have to be on the substitute? I offered a substitute to the amendment of the gentleman from Massachusetts before he spoke, and sent it up to the desk.

Mr. GAINES of West Virginia. I ask that both the amendment of the gentleman from Virginia and that of the gentleman from Massachusetts be reported. I would like to hear them both.

The amendment of Mr. KELIHER was again reported.

The substitute offered by Mr. RIXEY was read, as follows:

Provided, That no part of this appropriation shall be expended for the enlistment of minors under 21 years of age without the written consent of the parent or guardian.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Virginia.

The question was taken; and the substitute was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment was agreed to. [Applause.]

The Clerk commenced to read.

Mr. RIXEY. Mr. Chairman, I would like to know what the Clerk is now reading.

Mr. TAWNEY. On page 29. I understand that we are going back to an amendment offered to a section passed over without prejudice.

The CHAIRMAN. Two paragraphs were passed by the committee without prejudice. One has been disposed of.

Mr. RIXEY. I would like to give notice now, as I did last evening, that at the end of the paragraph read last evening I propose to offer an amendment when we are ready to proceed with the bill.

Mr. FOSS. Mr. Chairman, there was another matter I wanted to take up in the Bureau of Ordnance. An amendment was pending, offered by the gentleman from Minnesota.

The CHAIRMAN. The gentleman asks to recur to the paragraph that was passed without prejudice.

Mr. TAWNEY. At the end of line 6, page 11.

Mr. WILLIAMS. Reserving the right to object, I would like to know what it is that unanimous consent is asked for.

Mr. FOSS. It does not require unanimous consent. The House has already passed the paragraph without prejudice.

Mr. WILLIAMS. If it does not require unanimous consent, why should the gentleman ask for unanimous consent?

Mr. FOSS. I did not ask unanimous consent that I recollect.

The CHAIRMAN. The paragraph was passed without prejudice.

Mr. FOSS. Mr. Chairman on this paragraph of ordnance and ordnance stores, before taking up the amendment offered by the gentleman from Minnesota, I desire to ask a correction of the punctuation; that a semicolon be inserted by the Clerk in line 25, page 10, after the word "material"—"handling ordnance material," then a semicolon.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, line 25, after "material," insert a semicolon.

The amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I wish to offer a substitute for the amendment that I offered, which does not change the amendment except in the phraseology. I wrote it hurriedly, and I want simply to change the wording and to have this substitute considered instead of the original amendment.

The CHAIRMAN. The gentleman from Minnesota offers a substitute for the amendment pending to the paragraph, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of this appropriation shall be expended for shells or projectiles, except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles, and upon bids received in accordance with the terms and requirements of such proposals.

Mr. RIXEY. I should like to ask the gentleman from Minnesota a question. His amendment, as I understand it, only refers to the purchase of shells and projectiles?

Mr. TAWNEY. Yes.

Mr. RIXEY. Will the gentleman object to inserting after the words "expended for" the words "the purchase of?" As the amendment is written I think it would apply to all projectiles, and I understand that some of the shells and projectiles are made by the Government, and therefore the gentleman's amendment ought to be confined to the purchase, which result will be effected by adding after the words "expended for" the words "the purchase of."

Mr. TAWNEY. I will examine my amendment and ascertain whether those words can be inserted there. It is not my purpose to deprive the Government of the opportunity of manufacturing projectiles. My information from the Navy Department is that all these projectiles are manufactured by private establishments.

Mr. RIXEY. I understand that some of the smaller shells

and projectiles for test purposes at Indian Head are made by the Government.

Mr. BUTLER of Pennsylvania. I understood that the projectiles are made by a private concern and not by the Government.

Mr. RIXEY. I was informed on yesterday by a gentleman who ought to know that our shells and projectiles used at Indian Head were manufactured at the Washington Navy-Yard by the Government. But if they are all purchased this does not do any harm to put in the words which the amendment provides for.

Mr. TAWNEY. Mr. Chairman, I will, before the amendment is voted upon, look at it, and if it is necessary to correct it in that respect I am perfectly willing to do it. I want to ask the chairman of the Committee on Naval Affairs if it is not true that under this provision of his bill, under the paragraph in lines 19 and 20, there will be expended in the next fiscal year for shells and projectiles by the Navy Department a sum aggregating about $1,000,000?

Mr. FOSS. For shells?

Mr. TAWNEY. For shells and projectiles.

Mr. FOSS. I do not know how much of this appropriation of a million dollars which provides for the supply of powder and shells will be used to purchase shells. Of course it is all available for two things, powder and shells; how much will go for powder and how much for shells I do not know.

Mr. TAWNEY. I assumed, Mr. Chairman, that in providing for an appropriation of $1,000,000 for two distinct purposes the committee had probably ascertained the amount that would be expended of that appropriation for each of the two purposes. That was the reason I asked—to ascertain whether or not the amount was not about equally divided. So that under the current appropriation for ordnance the Navy Department is now expending $495,916.50 for shells and projectiles, and if one-half of the reserve ammunition which the Department is authorized to purchase under that paragraph to which I referred a moment ago is to be expended for shells and projectiles, then there would be an aggregate expenditure for this purpose of about $1,000,000 in the next fiscal year.

My purpose, Mr. Chairman, is not to embarrass the Navy Department in the least nor to limit the amount of expenditure for this purpose. My amendment is solely and alone in the interest of better administration, and to take away from any officer in this Department the opportunity of preferring one manufacturing establishment engaged in the manufacture of material or ordnance for the Navy to the extent that they are now engaged in that manufacture, of favoring one establishment to the exclusion of other manufacturing establishments.

The amendment is in line with the uniform and long-established policy of the Government; that is, when any of the Departments desire to purchase any material they must purchase in the open market, after submitting their proposals, inviting and receiving bids for that material, in accordance with the specifications and the conditions contained in the proposal.

In the War Department we have prescribed that they can not purchase beyond $500 worth of material except by advertising. In the other Departments we have provided that not to exceed $100 can be expended except upon public proposals and inviting a public and open competitive bid for material or supplies to be purchased.

Mr. LITTLEFIELD. May I inquire whether these provisions which the gentleman alludes to are provisions of general law.

Mr. TAWNEY. They are general law.

Mr. LITTLEFIELD. And apply to the other Departments?

Mr. TAWNEY. To all other Departments.

Mr. LITTLEFIELD. What provision is there that applies to the Navy Department?

Mr. TAWNEY. The same provisions apply to the Navy Department with the exceptions mentioned in section 3721 of the Revised Statutes. There are certain exceptions there mentioned, one of which is ordnance. That law was passed in 1847, when the Government of the United States was not expending a million dollars annually for the purchase of ordnance; when we did not have the manufacturing establishments in this country that we have to-day for the manufacture of shells and projectiles.

Now, it is said that all of our shells and projectiles used in the Navy are manufactured in private manufacturing establishments. There are four that I know of that are to-day engaged in the manufacture of these projectiles. Some of them have contracts for the manufacture of a certain class of projectiles as the result of open bids. Others are manufactured as the result of private contracts with the Navy Department. These different manufacturing establishments are all equipped for the manufacture of shells in accordance with the specifications prescribed by the Navy Department, and if they can not comply with the specifications they will not bid.

If they do bid and pretend to comply, the Navy Department requires that every one of the bids shall be accompanied with a bond to indemnify the Government against any failure to comply with the conditions of the contract.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, the four companies that are engaged in the manufacture of these shells and projectiles are the Firth Sterling Steel Company, of Pittsburg; the Crucible Steel Company, located I do not know where; the Bethlehem Steel Company, and the Midvale Steel Company, of Philadelphia. In view of the magnitude of these purchases, in view of the fact that we have independent manufacturing establishments that are equipped and engaged in the manufacture of these shells, in view of the fact that all the shells and projectiles that are purchased by the War Department are purchased by open bids, as the result of proposals submitted by the War Department, I can not see why we should make an exception in the case of the Navy Department, and thus give to naval officers who are charged with the responsibility of making these contracts the opportunity of favoring one manufacturing establishment to the exclusion of all others engaged in manufacturing the same identical article.

Mr. LITTLEFIELD. What company now has the contract?

Mr. TAWNEY. My information is that there are two or three that have contracts for the manufacture of different kinds of projectiles.

Mr. LITTLEFIELD. For the Navy?

Mr. TAWNEY. The Firth Steel Company has the contract in Pittsburg, and I understand the Midvale Steel Company, of Philadelphia, has the contract for another class of projectiles.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman for information. How many firms are bidding for these armor-piercing projectiles? Did he say four?

Mr. TAWNEY. Not bidding; no.

Mr. BUTLER of Pennsylvania. How many firms in the United States have the capacity for making, satisfactorily, armor-piercing shells?

Mr. TAWNEY. I have given the names of four.

Mr. BUTLER of Pennsylvania. I understood the gentleman to say that there are other manufacturers as well equipped. Will the gentleman name them?

Mr. TAWNEY. I said that I did not have the names or the location of the other firms.

Mr. BUTLER of Pennsylvania. Will the gentleman answer me further—where did he get his information that there were other firms?

Mr. TAWNEY. I got the information first from the letter of the Secretary of the Navy.

Mr. BUTLER of Pennsylvania. That is good authority.

Mr. TAWNEY. In a letter which I will read, and further than that, from the gentleman's colleague from Philadelphia. On the 12th of April I made an inquiry of the Secretary of the Navy for the purpose of ascertaining how these purchases were made, whether or not they were made in the open market, or whether they were purchased as a result of private contracts let to these various manufacturing establishments, and on the 18th of April the Secretary replied to my letter as follows:

NAVY DEPARTMENT,
Washington, April 18, 1906.

SIR: Replying to your letter of the 12th instant, requesting to be advised as to what the practice of this Department has been and is in respect to the letting of shell or projectile contracts; whether or not the Department advertises for bids and, if so, whether there is competitive bidding for this work; also requesting to be informed as to what these contracts amounted to in the aggregate during the last fiscal year, I have the honor to inform you that the Chief of the Bureau of Ordnance, to whom your letter was referred, has submitted the following report, which covers the several inquiries contained in your letter:

"A distinction must be made in stating the Bureau's policy between those projectiles for which the requirements are so simple as to bring them within the range of general competition, and those (chiefly armor-piercing shells of large calibers) for which the requirements are so exacting that only a small number of firms in the country are in a position to undertake their manufacture with any hope of success.

"With regard to the first class, the Bureau's practice is to invite bids from all manufacturers who are believed to be equipped for undertaking contracts and completing them satisfactorily.

"With regard to the second class of projectiles, which, as above noted, are principally armor-piercing shells of large caliber, the policy

of the Bureau has been directed toward securing the very best that could be had, keeping in view that desirability of distributing orders in such a manner that the Department should, in the event of war, have as large a number of plants available as possible. In pursuance of this policy, contracts for shells of this class have in many cases been placed without competition, as authorized by section No. 3721 of the Revised Statutes.

"The aggregate amount of shell contracts for the past fiscal year was $495,916.50, of which $50,329 was spent for shell of the first class (as enumerated above), and $445,587.50 for shell of the second class."

Very respectfully, CHARLES J. BONAPARTE, *Secretary.*

Hon. JAMES A. TAWNEY, M. C.,
Chairman Committee on Appropriations,
House of Representatives.

Now, the Secretary of the Navy in this letter admits not only the desirability of encouraging the development of the manufacture of these projectiles and shells by different manufacturing establishments, but he also admits the necessity for it, especially in case of war, and yet under the policy of the Navy Department it is within the discretion of one officer to make it impossible to carry out that policy by favoring one manufacturing establishment to the exclusion of others.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more in which to answer a question.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Minnesota may proceed for one minute. Is there any objection?

There was no objection.

Mr. BUTLER of Pennsylvania. Has the gentleman the names of any firms beyond those already stated with sufficient capacity and ability to build these armor-piercing shells?

Mr. TAWNEY. I have not.

Mr. BUTLER of Pennsylvania. If the gentleman will permit the statement, there are five firms competing for these shells; only five firms pretending to compete for them or to make them.

Mr. TAWNEY. Well, that is enough.

Mr. LITTLEFIELD. Why shouldn't they have open competition? I know nothing about it.

Mr. BUTLER of Pennsylvania. I think they should have. Mr. Chairman, I move to strike out the last word. I have no quarrel with the amendment offered by the gentleman from Minnesota, and in defense of the Department I think it is but fair to say that there has been open and wide competition, the letter of the Secretary of the Navy to the contrary notwithstanding. The Department furnishes us this morning this information. The Firth Sterling Steel Company, of Pittsburg, is a competitor; the Bethlehem Steel Company, of South Bethlehem, Pa., is a competitor, and the Crucible Steel Company, of Pittsburg, is a third competitor. The Department says that armor-piercing projectiles have been ordered from the Carpenter Steel Company, of Reading, Pa., and from the Midvale Steel Company, of Philadelphia, the contracts being three years old. Further, the Department says that these firms have not as yet been able to deliver a satisfactory shell, and most of the orders have been canceled, although the Midvale Company is still trying to furnish 1,000 5-inch, but so far without success. That is all I have to say, and I say it in fairness to the Department.

Mr. FOSS. Mr. Chairman, I would like to say a word upon this matter. There are two classes of shells, I might say, to be considered in connection with this subject. In the first place, all the 5-inch shells and below that have been open to free competition, and all concerns have had a perfect right to bid, but with these heavier armor-piercing shells it has been impossible to get any concerns to bid on them, so that the Department has gone to different companies and encouraged them to take a contract to make these armor-piercing shells—12-inch shells, for instance, which we use in our 12-inch guns.

Mr. TAWNEY. Well, how does the gentleman justify that statement in the light of the information furnished by the Secretary of the Navy that they have expended almost half a million dollars for these large armor-piercing shells?

Mr. FOSS. Well, that was this last year; the year before the gentleman will find that we purchased a larger quantity of small shells.

Mr. TAWNEY. I understand, and it is in view of this practice that has grown up in this last year, in view of the fact these concerns are equipped and are to-day manufacturing these armor-piercing shells, I think as a matter of protection we ought to require the same policy in respect to those which we require in respect to the others.

Mr. FOSS. I agree with the gentleman, if we can go on the market and buy them, but we can not do that.

Mr. TAWNEY. But will not the gentleman concede that, when the Navy Department submits its proposal for the purchase of these shells, that it also submits the specifications and all the terms and conditions and tests that the manufacturer must conform to in order to comply with the contract, and does not the Department, in addition to that, require a bond for the faithful performance of that contract, with ample penalties to protect the Government? There is absolutely no reason that I can see for allowing this large expenditure to be made under private contract, and I submit in all candor to the chairman of the committee that it is not good administration to place in the discretion of one officer the expenditure of a million dollars, under private contract to be made by him, for the purchase of material amounting to that sum.

Mr. FOSS. I agree with the gentleman, if there are a number of concerns which can do this work and manufacture these projectiles, but they are so difficult to make, and the specifications of the Navy Department are going up all the time, because as we get information from abroad as to the standard there in reference to armor-piercing projectiles, then our standards and our specifications go up, and it has been the most difficult matter in the world to get any company to manufacture these projectiles. Why, here, for instance, in March, 1903, requisition was placed with the Crucible Steel Company of America for 600 10-inch shells, 600 12-inch armor-piercing shells, and this requisition has not been completed, and the Bureau has been forced to cancel its order for 200 of the 10-inch shells. So it is with the Midvale Steel Company. This company had an order for a thousand, but this company has not been able to begin work on this order, inasmuch as they have been unable to develop a satisfactory experimental shell. Here an order was given to the Carpenter Steel Company. So there has been no disposition on the part of the Navy Department to shut out anybody from competition in this matter, but the disposition of the Navy Department has been to try and find somebody who would manufacture these shells. That is the point.

Mr. TAWNEY. Now, will the gentleman permit an interruption right there?

Mr. FOSS. Yes.

Mr. TAWNEY. The gentleman says there has been no disposition to shut out any manufacturers. The Secretary of the Navy himself, in this letter, says that they have selected an establishment to manufacture these particular shells which, in their judgment, was the best equipped for the manufacture. Why, there is no competition there. Is it not shutting out every other manufacturer, if the Department goes out and selects only one and enters into a private contract with that one, without any knowledge on the part of the other contractors that the Government desires or proposes to purchase these projectiles? Is not that shutting out every other manufacturer; and if in doing that it is so necessary—and I think it is—that they should have a shell of the very best and highest quality, then why not encourage improvement in the quality of our shells by giving to all the manufacturers an opportunity to bid for these contracts?

Mr. MORRELL. Mr. Chairman——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. Foss] has expired.

Mr. ROBERTS. Mr. Chairman, I move to strike out the last word.

Mr. MORRELL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORRELL] asks unanimous consent that the gentleman from Illinois may continue his remarks for five minutes. Is there objection?

There was no objection.

Mr. MORRELL. Mr. Chairman, I would like, in view of that permission, to ask the chairman of the committee as to whether he is aware of the fact that a half million dollars of contracts for shells were awarded during the last year, and that in making those awards one, at least, of the companies mentioned as capable of manufacturing these shells was not given an opportunity to bid, and did not know that any contracts were being given out for the making or manufacturing of these shells?

Mr. FOSS. No; I am not aware of it.

Mr. MORRELL. That is a fact.

Mr. FOSS. But the policy of the Department is to give these shells to different companies who would make them. There are comparatively few companies who have any plant in which to make them. It is not a very large business in itself. It is only a side show, I may say, to a large industrial plant, and the Department in this way has encouraged a number to undertake the manufacture of these shells, so that in time of war we can call upon a large number to manufacture them. I desire to

present the views of the Bureau, as expressed in the following letters:

DEPARTMENT OF THE NAVY,
BUREAU OF ORDNANCE,
WASHINGTON, D. C., *May 9, 1906.*

MY DEAR Mr. FOSS: Replying to your telephone message of this morning concerning the amendment to the appropriation bill providing for the advertisement of shell contracts, etc.

I have to inclose herewith copy of the Bureau's second indorsement No. 19470/1 (F) of April 17, 1906, on letter from the Hon. JAMES A. TAWNEY, M. C., to the Secretary of the Navy. This indorsement briefly states the Bureau's position in the matter and also the approximate amount expended for shell under all appropriations last year.

It is our practice to advertise for target shell and common shell, and also for the smaller caliber armor-piercing shell up to 5-inch, but we have never advertised for armor-piercing shell of the larger calibers.

If armor-piercing projectile contracts are awarded to the lowest bidder, after advertisement and under our very strict specifications and with our extreme penalty clauses, most of the manufacturers would soon be put out of the projectile business, or else the Bureau would be forced to supply vessels of the Navy with shell known to be not of the best and known to be inferior to similar shell used in foreign navies. This is contrary to the policy of the Department, as we want these firms ready to furnish projectiles in an emergency, and consequently are helping them develop their plants.

We naturally want the best projectiles it is possible to obtain and want them without great delay; therefore the larger contracts are made with firms known to be able to promptly carry out the contracts in accordance with the specifications, while smaller orders are placed with other firms having the necessary plants and who desire to develop them.

For your information I also inclose herewith a list of uncompleted orders for large caliber armor-piercing shell, showing the difficulty that even the largest concerns experience in producing projectiles which will satisfactorily pass our strict specifications.

With no reserve of armor-piercing projectiles available at present, the unsatisfactory fulfillment of projectile contracts might force the Bureau to commission ships with empty shell rooms.

As far as known to this Bureau no complaints have ever been made concerning the placing of armor-piercing shell contracts without competition.

The Bureau believes there is at present only one company prepared to furnish promptly large caliber armor-piercing shell which will fully comply with its strict specifications. Both for military as well as economical reasons, however, every attempt is being made to induce other firms to successfully manufacture these projectiles. It is believed to be understood by all these companies that as soon as they are in a position to satisfactorily manufacture these shell they will receive an equitable portion of the Bureau's orders.

Finally, the Bureau considers it very undesirable at present to compel competition by advertisement for armor-piercing projectiles of the Navy.

Regretting that this has been written hastily in order to get it to you before noon, and hoping that the information will be of use, I remain,

Yours, sincerely,

N. E. MASON,
Chief of Bureau of Ordnance.

Hon. GEORGE E. FOSS, M. C.,
Chairman Committee on Naval Affairs,
House of Representatives, Washington, D. C.

[Copy of Bureau of Ordnance, second indorsement No. 19470/1 (F), of April 17, 1906, on letter from Hon. JAMES A. TAWNEY, M. C., House of Representatives, to the Secretary of the Navy, requesting to be informed as to what the practice of the Navy Department has been, and is, in respect to the letting of shell or projectile contracts; whether or not the Department advertises for bids; and if so, whether there is competitive bidding for this work; also what these contracts amounted to in the aggregate during the last fiscal year.]

1. Respectfully returned to the Navy Department.

2. A distinction must be made in stating the Bureau's policy between those projectiles for which the requirements are so simple as to bring them within the range of general competition and those (chiefly armor-piercing shells of large calibers) for which the requirements are so exacting that only a small number of firms in the country are in a position to undertake their manufacture with any hope of success.

3. With regard to the first class, the Bureau's practice is to invite bids from all manufacturers who are believed to be equipped for undertaking contracts and completing them satisfactorily.

4. With regard to the second class of projectiles, which, as above noted, are principally armor-piercing shells of large caliber, the policy of the Bureau has been directed toward securing the very best that could be had, keeping in view that desirability of distributing orders in such a manner that the Department should, in the event of war, have as large a number of plants available as possible. In pursuance of this policy contracts for shells of this class have, in many cases, been placed without competition, as authorized by section No. 3721 of the Revised Statutes.

5. The aggregate amount of shell contracts for the past fiscal year was $495,916.50, of which $50,329 was spent for shell of the first class (as enumerated above) and $445,587.50 for shell of the second class.

N. E. MASON,
Chief of Bureau of Ordnance.

UNCOMPLETED REQUISITIONS FOR LARGE-CALIBER SHELL.

In March, 1903, requisition was placed with the Crucible Steel Company of America for 600 10-inch and 600 12-inch A. P. shell. This requisition has not been completed, and the Bureau has been forced to cancel its order for 200 of the 10-inch shell. Four hundred of the 12-inch shell will in all probability have to be accepted at a reduced price as target shell inasmuch as the Bureau is unwilling to place them on board ship as battle shell.

In March, 1903, requisition was placed with the Midvale Steel Company for 1,000 5-inch A. P. shell. This company has not as yet begun work on this order, inasmuch as they have been unable to develop a satisfactory experimental shell. The Bureau has been subjected to great expense in testing the various experimental shell submitted by them.

In March, 1903, 600 10-inch forged steel, 600 12-inch forged steel shell, 1,000 8-inch A. P. shell, and 2,000 7-inch A. P. shell were ordered from the Carpenter Steel Company. Orders for all these A. P. shell were canceled in October, 1905, inasmuch as the company had up to that time been unable to manufacture shell which would pass the test. Three hundred and fifty-seven of the 12-inch forged steel shell have been canceled for similar reasons

Mr. MORRELL. I would like to ask the distinguished chairman of the committee——

Mr. FOSS. If it gets down to be a matter of competition the tendency of the whole thing will be rather to reduce the price and to cheapen the shell, whereas, on the contrary, the Department has sought to improve it experimentally and raise the standard and not reduce Navy standards down to commercial standards.

Mr. MORRELL. Oh, I do not think that will be the result at all, for the reason that the board of ordnance, which passes upon these shells, if they are not up to the standard required in the contract, has the right to reject each and every one of them.

Mr. TAWNEY. And they do.

Mr. MORRELL. And they do. Now, the fact of giving open bids does not for a moment presuppose the fact that the articles furnished by these different manufacturers are going to be below the standard required by the specifications furnished by the Navy Department. I would like also to ask the distinguished chairman of the committee what the result was in the year 1900 in opening bids for armor plate to competition in the reduction of price per ton, if he remembers?

Mr. FOSS. Does the gentleman mean the price per ton for armor?

Mr. MORRELL. Yes. And whether the article furnished to-day, in view of the reduction of price per ton, which has resulted from the bids being open to competition, is any worse in quality and grade than it was previous to the reduction or previous to the time the bids were opened to competition.

Mr. LITTLEFIELD. That is to say, do you have a poorer quality now than when the bids were not opened for competition?

Mr. FOSS. I do not think they do.

Mr. LITTLEFIELD. Is the price less?

Mr. MORRELL. Yes; the result of opening the bids to competition has been a reduction of $150 per ton, in round figures, on all sizes, and if the result, as far as armor is concerned, of opening bids to competition has been satisfactory, why should we now presuppose the article furnished, so far as ordnance is concerned, is going to be of an inferior grade because it may be opened to competition? Competition, as a rule, lowers the price, and at the same time improves the grade of the article manufactured.

Mr. FOSS. These shells, of course, are in a more experimental stage, probably, than armor plate, but I want to ask the gentleman from Minnesota [Mr. TAWNEY] if he will insert in his amendment words to the effect that they shall be of the standards of the Navy?

Mr. LITTLEFIELD. There will be no objection to that.

Mr. TAWNEY. I have no objection to that at all. And it is my purpose in offering this amendment, of course——

Mr. FOSS. I want that perfectly clear.

Mr. TAWNEY. I want to suggest to the gentleman that under this amendment the question of standards is left absolutely and exclusively in the discretion of the Navy Department.

Mr. MORRELL. Of course. Under the terms of the specifications.

Mr. LITTLEFIELD. I understand that if you insert that, it will be satisfactory.

Mr. TAWNEY. If that is satisfactory to the chairman of the committee, I will very gladly insert the language, "the standard for such shells and projectiles to be prescribed by the Secretary of the Navy."

Mr. FOSS. I have no objection to that.

Mr. LITTLEFIELD. It covers the whole question.

Mr. ROBERTS. Mr. Chairman, I move to strike out the last word. The committee on yesterday, after very full debate, decided to provide for the very widest competition possible in the supply of anchors, cables, and rope, both wire and hemp. There seems to be no reason, if it is the policy of the committee in that respect, why we should not apply the same principle of wide competition to the subject of these projectiles. In this connection I desire to call attention to the letter which was presented here a few moments ago by the gentleman from Ohio [Mr. GROSVENOR], bearing upon the question under discussion yesterday. I had a curiosity to see to whom that letter was addressed, and I find it was addressed to the Hon. GEORGE LOUD, a Member of Congress from the State of Michigan. Mr. LOUD, you will remember, was the gentleman who told us yesterday that he had spent a year or more of his time investigating the matter of cables, and it seems he has been able to ascertain as a result of that year's investigation that *one*

Government-made cable on *one* battle ship proved defective and gave way under certain conditions.

I want to call particular attention to this, gentlemen. It is well known to any seafaring man that in weighing an anchor, if it fouls, a strain is liable to be brought on the cable which will absolutely destroy any cable that can be made. And the same thing will occur in dropping an anchor, a kink or twist may occur in the cable, and a strain will be brought upon that particular link which no cable can be made to sustain. *Now, I challenge the gentleman from Ohio, and I challenge the gentleman from Michigan, to cite an instance where a United States vessel riding at anchor on a Government-made cable was ever destroyed or damaged by the parting of its cable under stress of storm or sea, or even parted a cable while at anchor.* But, on the other hand, if the gentleman will give me a very little time, I can fill the CONGRESSIONAL RECORD with instances of commercial ships, both sailing and steam, that have been cast away and lost, absolutely destroyed, by the parting of the commercial cables holding them to the anchors upon which they were riding. So that the letter brought forward by the gentleman from Ohio has no bearing whatever upon the contention before the Committee yesterday.

In that connection, Mr. Chairman, I send to the desk and ask to have read, and to have inserted in connection with my remarks of yesterday, two telegrams received by me bearing on this point of closing up the chain and anchor shops and rope walks of the Boston Navy-Yard.

The Clerk read as follows:

BOSTON, MASS., *May 10, 1906.*

Hon. ERNEST W. ROBERTS,
House of Representatives, Washington, D. C.:

Boston Associated Board of Trade, through its executive committee, earnestly protests against proposed closing of cordage, chain, and anchor departments at Charlestown Navy-Yard. What can we do to assist you?

JOHN N. BOYD, *Secretary.*

BOSTON, MASS., *May 10, 1906.*

Hon. ERNEST W. ROBERTS,
House of Representatives, Washington, D. C.:

Heartily support your position in defense of Boston Navy-Yard. Urgently protest against amendment sacrificing manufacture of anchors, chains, and rope at navy-yard at Boston for benefit of Lebanon Chain Works and American Iron and Steel Company of Lebanon. I believe you will find on investigation that Government tests on chains and anchors for Navy made in navy-yards are more rigid and thorough than contractors' tests made outside. Will Congress risk safety for crews and cruisers to give more business to contractors?

CURTIS GUILD, Jr.

Mr. ROBERTS. I will say, Mr. Chairman, in conclusion, the last telegram is from the governor of the State of Massachusetts.

Mr. TAWNEY. Mr. Chairman, I have now modified my amendment to meet the suggestion of the gentleman in charge of the bill, and I ask that it be read.

The CHAIRMAN. Without objection, the substitute will be reported.

The Clerk read as follows:

Insert after the word "dollars," page 11, line 6:
"*Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy."

Mr. GROSVENOR. Mr. Chairman, the amendment proposed by the distinguished gentleman is in the line with the principle involved in the discussion on yesterday in relation to the purchase of chains, anchors, and cordage, and I want to add a very brief note to what I contributed yesterday to the general topic of these purchases by bids rather than their exclusive manufacture by the Department itself.

It will be remembered that on yesterday a dispute arose between a number of gentlemen, myself among the rest, as to whether the Navy Department was the best maker of certain of the necessary factors that go to make up a ship and its equipment. I have a matter of evidence, which is better than my statement. I had to confess yesterday that the topic got beyond my personal comprehension, and I made an intimation that it was possibly beyond the apprehension and understanding of some gentlemen on the other side. I did that with all kindness and respect, and I want to show now that in the matter of the manufacture of the particular subjects covered by the amendment offered by the gentleman here, that possibly the same principle applies that applies to the making of chains, anchors, and so forth. I propose to have read at the Clerk's desk a very brief statement taken from the log of the U. S. S. *Maine*. I desire to say, by way of introduction to this, that it is the present battle ship *Maine*, and not the one that disappeared so tragically in the harbor at Habana. This is a modern ship, of the modern type—of the very best type of our war ships.

Mr. LITTLEFIELD. One of the last launched.

Mr. GROSVENOR. One of the last in commission, and this is an official statement from her log, and it speaks so much more powerfully than anything I can say that I desire to have the letter read by the Clerk.

Mr. OLMSTED. Before it is read, may I ask, if that vessel is equipped with chains, does the gentleman know where they were made?

Mr. GROSVENOR. I do not know, and I will not venture to make any assertion, but will present the official statement that will answer the question of the gentleman from Pennsylvania.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

U. S. S. MAINE,
North River, New York, N. Y., May 9, 1906.

SIR: 1. In reference to your letter of May 3, 1906, to the Chief of Bureau of Navigation, asking for an excerpt from the log of this ship covering the subject of losing anchors, I have the honor to state that the records of the ship show that the following-mentioned cases of chain or triplet links parting had occurred prior to my taking command:

(*a*) In letting go the anchor on March 23, 1904, on the target range at Pensacola, Fla., one link of the "triplet" broke and the anchor was recovered.

(*b*) While heaving in the starboard bower chain on July 8, 1904, at anchor off Corfu, Greece, it parted, and the anchor and 25 fathoms of chain were afterwards recovered. This was due to a defective link at about 26 fathoms.

(*c*) While heaving in at Marthas Vineyard on September 9, 1904, the chain came in without the anchor. The examination showed that the middle link of the bending shackle triplet had broken across the weld. This anchor was lost and no trace of its buoy could be found.

(*d*) While heaving in off Cape Henry, Virginia, on June 1, 1905, it was found that the second link of the port triplet had parted. The anchor was recovered.

2. Since I have taken command of the *Maine* the following-mentioned cases have occurred:

(*e*) In letting go the port anchor on the target range off Barnstable, Mass., on September 22, 1905, the chain parted at the outboard link of the triplet. The anchor was recovered.

(*f*) In letting go the port anchor in North River on May 4, 1906, the middle link of the triplet parted almost immediately after letting go and before the anchor had touched the bottom. The anchor has been recovered.

3. The anchor chain of this ship was manufactured at the Boston Navy-Yard.

Very respectfully,

N. A. NILES,
Captain, U. S. Navy, Commanding.

Hon. GEORGE A. LOUD, M. C.,
Tenth District, Michigan,
Committee on Naval Affairs, Washington, D. C.

Mr. GROSVENOR. Mr. Chairman, that relates to the history of the casualties to the Boston chain, manufactured at the navy-yard, pertaining to a single ship. There are seven of them. I suppose that possibly you might multiply that by about the number of ships in commission. Then we could ascertain how many times these chains have broken by reason of faulty construction. So I feel that I may reiterate what I said yesterday, that the best chain made in the world is the chain made for the owners of the merchant marine of our country. I want to say that this letter which has been read is a letter written to Mr. LOUD, of the Naval Committee, and will appear in his speech of yesterday.

The CHAIRMAN. The question is on agreeing to the substitute to the original amendment offered by the gentleman from Minnesota.

The question was taken; and the substitute was agreed to.

The amendment as amended was agreed to.

Mr. TAWNEY. Now, Mr. Chairman, that same amendment is to be considered in connection with the purchase of reserve shell and projectiles, for the same thing.

In line 20, after the word "dollars," page 11, insert the amendment which has just been adopted.

The Clerk read as follows:

Line 20, after the word "dollars," page 11, insert:
"*Provided*, That no part of this appropriation shall be expended for the purchase of shells or projectiles, except for shells or projectiles purchased in accordance with the terms and conditions of proposals submitted by the Secretary of the Navy to all of the manufacturers of shells and projectiles and upon bids received in accordance with the terms and requirements of such proposals. All shells and projectiles shall conform to the standards prescribed by the Secretary of the Navy."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and the amendment was agreed to.

Mr. FOSS. Now, Mr. Chairman, I would like to ask unanimous consent to offer an amendment which has been agreed to, as I understand, to the amendment offered by the gentleman from Michigan [Mr. LOUD] yesterday.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Massachusetts [Mr. WEEKS] may offer an amendment to an amendment that was

agreed to on yesterday, which the Clerk will report. Will the gentleman from Massachusetts send up his amendment?

Mr. WEEKS. The Clerk has my amendment. It is to add the words "after January 1, 1907," in the first line of the amendment that was adopted yesterday, after the word "dollars," in line 6, on page 6.

The Clerk read as follows:

Insert, after the word "that," the words "after January 1, 1907."

So as to read:

Provided, That after January 1, 1907, no part of said sum, etc.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

Mr. RIXEY. Mr. Chairman, I believe that we are on page 29, under the head of "Navy-Yard, Washington, D. C." If we are not on that paragraph I should like to offer an amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting, after the word "dollars," in line 10, page 29, the following: "Brass and iron foundry, to cost $300,000, $140,000."

Mr. BUTLER of Pennsylvania. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Pennsylvania reserves the point of order on the amendment.

Mr. RIXEY. I should like to have the point of order disposed of.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. RIXEY. I do not care to discuss the point of order. I am willing to submit it. There is now at the navy-yard a brass and iron foundry.

Mr. LITTLEFIELD. What do you want another one for?

Mr. RIXEY. I was going to explain that.

Mr. BUTLER of Pennsylvania. After a minute's reflection, I think that the amendment offered by the gentleman from Virginia is in order. In order that he may not be embarrassed, and that we may discuss the facts, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Virginia.

Mr. RIXEY. Mr. Chairman, the so-called navy-yard at Washington is really a naval gun factory. It is only used for that purpose, and up to two years ago all the guns of the Navy were finished there. For two years past that foundry has been unable to do all the work, as it had been doing, and a portion of the work for the Navy has been put out by contract. Seventy-five to 80 per cent of all the machine work on the guns is done by the Government. The forgings of the guns are purchased from outside sources; but nearly all the guns, as I stated a moment ago, are finished at the Naval Gun Factory.

It is demonstrated by the hearings before the committee that the work on the guns done at the Government factory is much better and more satisfactory than the work done by the private contractors, and is preferred by the officers and men of the Navy. I think it entirely natural that such should be the case. With the Government it is a matter of pride to have the very best guns, finished in the very best manner; whereas with the private contractor it is, to some extent at least, a matter of profit. I think I can demonstrate three propositions; first, that a foundry is badly needed at that place; second, that as a matter of economy it is to the interest of the Government to build a new one, and third, that it is absolutely necessary because the large guns are furnished entirely by only two firms, who have an agreement in regard to prices.

This foundry at the Washington Navy-Yard was built in the early seventies, not for a foundry, but was built for the Bureau of Steam Engineering, and has been used for thirty years as a foundry. It is totally inadequate, it is too small, and does not meet the needs of the Government. Some years ago Secretary Morton, a man of the highest business capacity and sagacity, called in an expert from the city of Chicago to make an examination of the naval gun factory here at Washington to see what was necessary to make it an up-to-date factory. I will read a part of the report made by this inspector, which refers to the gun factory:

This foundry is altogether inadequate. It is the poorest looking shop in the yard and is not at all in keeping with the rest of the naval gun factories. It could not even be considered a good job foundry. In this small foundry they are trying to make brass castings, bronze castings, iron castings, and steel castings, and it would be just about the proper size for the brass work alone, to say nothing of the space occupied by other work.

One of the particular features about it is that there is no foundry yard with it. All flasks have to be piled up in the foundry or else carted to a yard or vacant space a long way from it, and it is so cluttered and full that it is almost imposible to get through it. The men are fairly crowding each other in their work.

The master mechanic is not responsible for the condition of the foundry. It is due entirely to the fact that the foundry is too small and to the fact that they have no yard room to put anything in; so we can not blame him for the unbusinesslike appearance of his department. This foundry is very important, and should be enlarged to at least five times its present size.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. Mr. Chairman, I ask unanimous consent for ten minutes more.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that his time be extended ten minutes. Is there objection?

There was no objection.

Mr. RIXEY. So, Mr. Chairman, the report of this expert collected by the Secretary of the Navy, Mr. Morton, condemns this factory and recommends that we ought to have a foundry there at least five times the size of the one that it there now, which was erected for another purpose. If it is to be the policy of this Government to finish its guns at this foundry, we ought to have a good equipment, so that the work can be done economically and in the best manner.

I will state here that this is not a new proposition suggested by any member of the committee. The recommendation for the foundry at the Naval Gun Factory came last year from the Secretary of the Navy and it was voted out by the committee. Again the Navy Department recommends this year an allowance for a new foundry. It is stated, Mr. Chairman, by the superintendent at the gun fatcory, Captain Leutze, that if he had a proper foundry at this gun factory that he could save to the Government $50,000 a year. He says under present conditions in order to do the work they frequently have to run three shifts a day, which is a continual running for the twenty-four hours. He has always to run two shifts, with the result that the people who work at night do not do as efficient work as those who work in the daytime. There is no yard attached to the foundry, and material has to be carted off some distance and then brought back again. All those things add greatly to the expense. He says that if you will give him sufficient space and a proper foundry he can save 20 per cent of the money expended for labor—a saving which would amount to from $30,000 to $36,000 a year.

In addition to that, Mr. Chairman, he says that, owing to the want of space in the foundry, he is unable to use steel in the place of bronze, and, having to use bronze, costs the Government $28,000 a year more than it would cost if he could use steel in place of it.

So that if a new foundry is given him, to cost $300,000, he would save the Government on these two items, in labor and in the fact that he could use steel in the place of bronze, not less than $50,000 and perhaps as much as $60,000; if $60,000, it would be 20 per cent on the investment on the whole cost of the foundry.

This item comes to us with the recommendation of the Department, and strong testimony as to the necessity from the Chief of the Bureau of Ordnance and from the superintendent of the gun factory. Not one particle of testimony has been produced before the committee to show that the gun factory was not a necessity. So far as I am advised, Mr. Chairman, every member of the committee is willing to admit——

Mr. BENNET of New York. May I interrupt the gentleman?

Mr. RIXEY. I will yield to the gentleman.

Mr. BENNET of New York. Do I understand the gentleman to say that the matter covered by the amendment has the recommendation of the Secretary of the Navy?

Mr. RIXEY. I do. Moreover, it was recommended by the Secretary of the Navy last year also. It came in the estimates by the Department, and is thus recommended by the Secretary of the Navy.

Mr. LITTLEFIELD. Is there any recommendation independent of the estimates, any specific recommendation?

Mr. RIXEY. No specific recommendation except his statement that he thought it was proper.

Mr. LITTLEFIELD. He recommended it simply by forwarding the estimate?

Mr. RIXEY. No; the estimates that went up from the different navy-yards all over the country amounted to $42,000,000. They were cut down by Admiral Endicott, to whom they were sent, to $15,000,000. Then they were revised by the Secretary of the Navy, and he cut them down to $9,000,000. That is the record in regard to the Navy Department.

Mr. LITTLEFIELD. But the Department did not cut this estimate out?

Mr. RIXEY. No; it retained it and turned it over to the Naval Committee.

Mr. LITTLEFIELD. Did he make any independent, specific recommendation?

Mr. RIXEY. No; he did not. I do not think it is referred to in the Secretary's report.

Mr. BUTLER of Pennsylvania. Is there any expression from the Secretary of the Navy in favor of this more than may be drawn from the mere fact that the estimates were sent to the Naval Affairs Committee?

Mr. RIXEY. I think there is. He referred to it in his hearing before the committee. He said he thought it was a proper expenditure; that there might be other items just as important and probably fully as important, but this was a proper expenditure. I refer the gentleman from Pennsylvania to the printed testimony at page 1102. We gave elaborate hearings on this question as to the necessity for the gun factory. There was no testimony but what went to show the necessity for the building. I submit, Mr. Chairman, that where the testimony is uncontradicted that the expenditure of $300,000 would result in an annual saving to the Government of $50,000, it is a good investment, and that it ought to be ordered and that without delay.

Now, then, another question. There is another reason why this yard should be maintained and kept in a high state of efficiency. There are only two firms which make the 12-inch guns, and those two firms are the Bethlehem Steel Company and the Midvale Steel Company, and the testimony before the committee was that these two firms always bid identically the same amount.

Mr. LILLEY of Connecticut. Mr. Chairman, if the gentleman will permit, I will give the only bid that they have made. On four 12-inch guns, weight, finished, 118,552 pounds, the Bethlehem Steel Company bid $51,644.80 and the Midvale Steel Company bid $83,757, a difference of $32,000. The gentleman says that their bid was identically the same.

Mr. ROBERTS. That is on armor. They bid the same on armor. That is what the gentleman from Virginia meant.

Mr. RIXEY. No; I did not mean that. I meant what I stated.

Mr. ROBERTS. They bid the same on armor plate.

Mr. RIXEY. I am not talking of armor plate, and adhere to my statement that the Bethlehem and Midvale companies bid the same for the 12-inch guns. I am referring to the testimony before the committee, and I stand by my statement.

Mr. LILLEY of Connecticut. The price of one was 4.36 cents per pound and of the other a little over 7 cents.

Mr. RIXEY. For what gun was that?

Mr. LILLEY of Connecticut. The 12-inch gun.

Mr. RIXEY. When was it?

Mr. LILLEY of Connecticut. I have not the date. They are the only ones that they ever contracted for.

Mr. RIXEY. Oh, that may be ten years ago.

Mr. LILLEY of Connecticut. Oh, no; they are not delivered yet.

Mr. RIXEY. Mr. Chairman, I stand by my statement.

Mr. LILLEY of Connecticut. Will the gentleman permit me to finish my statement?

Mr. RIXEY. Yes.

Mr. LILLEY of Connecticut. I would like to read all of these bids. On 6-inch guns, the weight of which was 19,156 pounds, the Bethlehem price was $12,850 and the Midvale price $12,283; on 7-inch guns, weighing 28,300 pounds, the Bethlehem price was $19,990 and the Midvale price $14,315; on the 8-inch guns, weighing 41,780 pounds, the Bethlehem bid was $21,690 and the Midvale bid $17,142; and on the 10-inch guns, weighing 79,300 pounds, the Bethlehem bid was $43,800 and the Midvale bid $45,230.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LILLEY of Connecticut. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Virginia may be extended for five minutes. Is there objection?

There was no objection.

Mr. RIXEY. Mr. Chairman, my statement was that the testimony before the committee showed that only two of the factories furnished the large guns and that their bids always were identically the same. I read from the printed hearings on page 249:

Mr. RIXEY. Isn't this a fact, that the bids from the different steel plants are always the same for practically the same thing?

Admiral MASON. The bids for forgings from two of the larger companies are now always identical in price and nearly always in time of delivery, while the bid of a third large company for forgings up to those intended for 7-inch guns is generally slightly lower (1 cent per pound), but with much longer times of delivery. In armor bids two firms generally submit identical bids, while a third goes lower. There is evidently keen competition, however, in finished guns, mounts, and other ordnance material, as evidenced by the bids received.

Mr. RIXEY. Which are those three larger companies?

Admiral MASON. The Bethlehem and the Midvale Steel companies are the first two I have just mentioned, while the Crucible Steel Company is the third.

Mr. THOMAS of Ohio. What has this all got to do with the foundry that we are discussing—the iron foundry? That has nothing to do with the forging of steel.

Mr. RIXEY. Mr. Chairman, I have discussed the necessity for the foundry and am now discussing a matter that vitally concerns the gun factory and the Government. If this factory here in Washington does not finish up these guns, then the Government is bound to have the guns finished by the private contractors, and the only people engaged in that business so far as the 12-inch guns are concerned are the Bethlehem and the Midvale people, who bid the same price and are trying to drive the Government from doing its own work.

Mr. THOMAS of Ohio. Does the gentleman think that these guns are to be finished in this proposed foundry?

Mr. RIXEY. In part, certainly. But I have discussed the foundry and am now referring to the combination which controls and furnishes the heavier steel forgings.

Mr. FITZGERALD rose.

Mr. RIXEY. I yield to the gentleman from New York. If the gentleman reads the hearing he will see that.

Mr. FITZGERALD. Confirming the statement of the gentleman from Virginia that the bids were identical, I wish to call his attention to page 536 of the report of the Secretary of the Navy: "Abstract of offers for furnishing supplies or services, and which were contracted for by the Bureau of Ordnance during the fiscal year ending June 30, 1905, and contracts awarded thereon. Twelve-inch, 10-inch, and 8-inch gun forgings (advertisements of June 27, 1904), Bethlehem Steel Company, per pound, 30 cents; Midvale Steel Company, per pound, 30 cents"——

Mr. LILLEY of Connecticut. Let me ask the gentleman a question.

Mr. FITZGERALD. Let me read this first.

Mr. LILLEY of Connecticut. No one denies that. That price was fixed by the Government, however.

Mr. FITZGERALD. Let me read this, and then the gentleman can make his statement. "Contract was made with the Bethlehem Steel Company August 13, 1904. Contract was made with the Midvale Steel Company August 1, 1904. One hundred sets 3-inch gun forgings (advertisement of October 22, 1904), Bethlehem Steel Company, plain steel, per pound, 32 cents; nickel steel, per pound, 40 cents; Midvale Steel Company, same price." This shows conclusively the gentleman's statement is accurate that the bids were identical.

Mr. RIXEY. My statement——

Mr. LILLEY of Connecticut. The Government made these prices by a law passed by Congress limiting them to a certain price on armor plate and gun forging to 30 cents per pound.

Mr. FITZGERALD. The Government advertised for bids, and bids were submitted, and the bids were identical by the companies, as stated by the gentleman from Virginia.

Mr. LILLEY of Connecticut. Let me ask the gentleman from New York if some Congress some time back did not pass a law limiting the price the Government should pay for armor plate and gun forgings?

Mr. FITZGERALD. That was for armor plate.

Mr. LILLEY of Connecticut. The price to be paid was not to exceed 30 cents on gun forgings, and on the armor plate I do not know what the price was.

Mr. FITZGERALD. Not at all, because here are bids of 32 cents a pound which were accepted by the Government.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. Mr. Chairman, I have been interrupted so often that I would ask to have my time extended.

Mr. LILLEY of Connecticut. I ask unanimous consent that the gentleman be given five more minutes.

Mr. FOSS. Mr. Chairman, I think we ought to agree upon some time on this proposition, otherwise it will run along all the afternoon. I would like to ask how much time the gentleman from Virginia has had.

The CHAIRMAN. The gentleman from Virginia has occupied fifteen minutes.

Mr. VREELAND. I want at least ten minutes on this.

Mr. FOSS. I ask unanimous consent that the time upon this paragraph and amendments be forty-five minutes, one-half hour in opposition and fifteen minutes more to those in favor of the proposition offered by the gentleman from Virginia. That will give half an hour on each side.

The CHAIRMAN. The gentleman from Illinois asks unani-

mous consent that debate upon the paragraph and all amendments thereto be closed at the expiration of forty-five minutes, and that thirty minutes of that time be accorded to those who are opposed to the pending amendment and fifteen minutes in addition to what has already been occupied be given to those in favor of the amendment. Is there objection?

Mr. RIXEY. Mr. Chairman, I will be compelled to object to that at this time, and I will ask my friend to withhold his request for five minutes and we will confer and see if we can not agree.

Mr. LITTLEFIELD. You can not go on without unanimous consent, anyhow.

Mr. RIXEY. I submit I have the floor at present and I would like for this request to be made after I get through.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. RIXEY. But request was made that I have five minutes additional time, and I will try to get through by that time. I understood the gentleman from Connecticut to submit that request.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the gentleman from Virginia may continue his remarks for five minutes. Is there objection?

Mr. FOSS. Then, I want to give notice, Mr. Chairman, at the end of five minutes I shall ask unanimous consent for this; and in case unanimous consent is not given, I shall move to close the debate on this paragraph and pending amendment.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Virginia is recognized for five minutes.

Mr. RIXEY. Now, Mr. Chairman, as further evidence that it is necessary to have this factory to protect the Government, the further fact appeared in the hearing that the two companies that furnished, and the only two companies that furnished, the larger forgings furnished these forgings at a greater price than was their price for the finished gun. Captain Leutze says——

Mr. LILLEY of Connecticut. It is not a correct statement.

Mr. RIXEY. I am going to read you what he said. Captain Leutze says:

> The rough forgings for 12-inch gun weigh nearly 166,000 pounds and cost a little over $52,500. The finished gun in the gun factory costs $61,770.61, including the yokes and cost of forgings. The contractor's bid for the finished gun is $51,644.80.

This is something over $900 less for the finished gun than for the forging. I am very sure that Admiral Mason made the same statement.

Mr. VREELAND. Will the gentleman yield for a question?

Mr. RIXEY. I would like to yield, but I have only five minutes.

Mr. VREELAND. I will make it very brief.

Mr. RIXEY. I will yield for a question.

Mr. VREELAND. I will ask the gentleman if he will not, before he concludes, give us the bearing the argument has on the amendment he has offered? He knows very well that the finishing of these 12-inch guns by these two companies has nothing whatever to do with the foundry.

Mr. RIXEY. I want the gentleman to tell me in his own time why it has nothing to do with it. I say it does have something to do with it. I have stated it over and over again, and I will repeat that these guns are now finished at the gun factory, and that in order that the Government may do that work it is necessary to have a new foundry there. If it does not get this new foundry, then these big guns will have to be furnished by outside parties, and there are only two, the Bethlehem or the Midvale Company, which bid identically the same amount.

Mr. BUTLER of Pennsylvania. Let me ask the gentleman a question. Do they finish any big guns now at the foundry?

Mr. RIXEY. Yes.

Mr. BUTLER of Pennsylvania. What proportion of the guns do they finish at the foundry?

Mr. RIXEY. I can not tell you the proportion, but up to about two years ago they finished all the guns, big and little, at the factory. Now they are unable to do so, and some of them have to be finished by the parties who furnish the forgings—the Bethlehem and Midvale companies—and they are trying to force the Government out of the business by offering to furnish the finished gun for less than they furnish the forgings.

Mr. LILLEY of Connecticut. But they do not.

Mr. RIXEY. They do.

Mr. LILLEY of Connecticut. I have got the figures here.

Mr. RIXEY. I do not care what you have. I have not your figures, but I have the testimony of the superintendent of the navy-yard, which I have already given you.

Mr. LILLEY of Connecticut. Figures are better than testimony.

Mr. RIXEY. I have already referred to the testimony which will be inserted. I repeat again that it shows that the Bethlehem and Midvale companies, the only companies which furnish the big forgings for the 12-inch guns, offered to furnish the finished product for less price than they would furnish the rough forgings.

Mr. LILLEY of Connecticut. That is not correct.

Mr. RIXEY. I say it is correct.

Mr. LILLEY of Connecticut. It is not the fact. They are not the figures in the Department.

Mr. RIXEY. I am talking about the evidence before the Naval Committee. I never heard of your figures until to-day. I have no reason for disbelieving the statements of Admiral Mason and Captain Leutze, both officers of the United States Navy and honorable men and placed at the head of their Department by the Secretary himself.

Mr. LOUDENSLAGER. Will the gentleman from Virginia permit a question?

Mr. RIXEY. I will.

Mr. LOUDENSLAGER. The gentleman does not wish to be understood that he does not care what the facts are in the case?

Mr. RIXEY. I want the facts, and I think I have stated the facts. I only know the developments before the committee. The gentleman may have evidence which I have not seen. If so, I will be glad to have it. I state again that the testimony before the Naval Committee, and there was nothing to contradict it, was that the Bethlehem company and the Midvale company, the only two companies that furnish the 12-inch forgings, offered to furnish the finished product for a less price than they furnished the rough forgings, and that the two companies always bid the same price for the 12-inch forgings.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, how much time has the gentleman used?

The CHAIRMAN. Twenty minutes.

Mr. FOSS. Then I ask unanimous consent that debate be closed in fifty minutes—fifteen minutes more to be taken by that side in favor of the proposition and thirty-five minutes on this side. That gives equal division of time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the pending paragraph and all amendments thereto be continued for fifty minutes, fifteen minutes of the time to be given to Members who are in favor of the pending amendment and thirty-five minutes to those opposed to the amendment. Is there objection?

Mr. RIXEY. I ask the gentleman, who has got thirty-five minutes, to give us twenty-five minutes. If I had known my time was to be limited, I would not have taken as much time as I did, and there were a good many interruptions, and gentlemen got their statements in my remarks.

The CHAIRMAN. Is there objection?

Mr. RIXEY. I will have to object. Give us twenty-five minutes.

Mr. DAWSON. I would like to ask what particular necessity there is for clapping the lid on this debate. We ran along all day yesterday on the question of chains and cordage, and this is an important subject, it seems, that is before us, and why should we not run along on this?

Mr. VREELAND. We have other matters that are to come before Congress besides this bill.

The CHAIRMAN. Is there objection?

Mr. RIXEY. I will have to object.

The CHAIRMAN. The gentleman from Virginia objects.

Mr. FOSS. I will make this request: That all debate be closed in one hour, twenty minutes of the time to be taken by that side and forty minutes by this side. That would make an equal division of the time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that all debate on the pending paragraph and all amendment thereto be closed in one hour, twenty minutes of the time—one-third of the time—to be occupied by those in favor of the pending amendment and forty minutes by those opposed to the amendment. Is there objection?

Mr. RIXEY. Mr. Chairman, I insist on the twenty-five minutes, because a good deal of the time I took was consumed by gentlemen on the other side.

Mr. FOSS. I will modify the request so that the gentleman will have twenty-five minutes and our side thirty-five.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois as modified? [After a pause.] The Chair hears none, and it is so ordered.

Mr. VREELAND. Mr. Chairman, my colleague on the committee, the gentleman from Virginia [Mr. RIXEY], of course knows that the principal part of the time which he occupied was

in talking about a subject which is not before the committee on this amendment. He has offered an amendment for the purpose of adding to the foundry down at the gun factory plant. The changes that his argument would bring about would be the building of the 12-inch gun forgings by the Government, and the amount for building that plant would be, according to the figures of the Department, $4,000,000, and according to our experience of such undertakings would cost six or seven million dollars.

Mr. RIXEY. The gentleman knows I did not refer to forgings at all.

Mr. VREELAND. I know that the gentleman spent a good share of his time in showing what the bids of two companies were for the forgings that we use on the 12-inch guns.

Mr. RIXEY. I beg the gentleman's pardon.

Mr. VREELAND. Now, at the foundry they make castings only.

Mr. RIXEY. My reference was intended to be to the finished gun and not to the furnishing of the forgings.

Mr. VREELAND. They are not furnishing forgings or making forgings in the foundry. That is where they make castings.

Mr. RIXEY. It is not for the forgings at all. I disclaim any such purpose. There was no such evidence before the committee in the hearings. It was for the finished guns that I was speaking.

Mr. LITTLEFIELD. What has the foundry to do with forgings?

Mr. VREELAND. I suppose the gentleman does not contend before this committee that in this $300,000 foundry, which he proposes to build, they are going to make forgings for 12-inch guns? Therefore the situation would not be relieved by his amendment, and we will still have to buy the forgings where we buy them now unless we go on and build this great gun plant that the gentleman's amendment proposes to this House.

Mr. Chairman, the Committee on Naval Affairs finds, as every other committee in this House finds, that every man in charge of a plant in this Government wants to magnify its importance. He wants to increase the appropriations and the number of men employed in the plant of which he has charge. The first that we heard of the enlargement of this gun factory, where 4,000 men are now employed, was from Captain Pendleton, former superintendent, two years ago.

He came before the committee with the same story that Captain Leutze brought there this year. He told us how much more cheaply the guns could be made in the gun factory than we were buying them. But we were not impressed by his argument. We found that in figuring the cost of these guns he left out items which would entirely reverse his position, just as Captain Leutze has left them out in his testimony which he presented this year. He desired to have an item of more than $100,000 for the leave of the men taken out and made a special appropriation, so that it need not be charged against the cost of the guns. Now, there is one excuse, Mr. Chairman—or perhaps I should say one reason—why the Government of the United States is justified in building a manufacturing plant and competing with the private manufacturers of the country. That is where the product which we desire to buy is tied up in the hands of an inexorable trust, where the Government is forced to pay prices which are too high, and from which there is no escape. But, Mr. Chairman, nothing of that kind exists in this case. I have here a list of the bids that have been made for castings during the past year and the present year. In every case the competition comes from five or six, and in some instances eight different firms, the majority of them outside of the American Steel Foundry Company, which I understand is a trust.

Now, the Captain told us that one reason why he could save a great deal of money was because he was obliged to pay about 12.3 cents on an average for the castings which he bought, but the Captain is mistaken on this, as he is on other of his facts. I have here the lowest bid which was accepted from all these different companies, dozens of them, during the last year. There is not one of them that reaches the figures named by the Captain. I want to read a list of the accepted bids on the material that went into that foundry. Here are the figures: Six and five-tenths cents, 6.55, 9.24, 5.15, 4.5, 5.9, 4.4, 4.75, 5.9, and 12. Why, our friend the Captain never has been a manufacturer.

[The time of Mr. VREELAND having expired, by unanimous consent it was extended five minutes.]

Mr. VREELAND. This gentleman never has had experience as a manufacturer. He knows nothing about figuring up the cost of these things. He can not be expected to know. He was educated by the Government of the United States as a naval officer, and has spent his life upon the sea, where he belongs, commanding the ships of the United States Navy. Gentlemen talk about the cheapness of turning out guns down in this plant. The Captain testified before our committee that there was invested in this Washington Gun Factory $24,000,000 in round numbers. What was the entire product of the factory for the last year?

Mr. BUTLER of Pennsylvania. Will my colleague submit to a question?

Mr. VREELAND. Yes.

Mr. BUTLER of Pennsylvania. Did the gentleman say that Captain Leutze testified that there were $24,000,000 invested down there?

Mr. VREELAND. That is what I stated.

Mr. BUTLER of Pennsylvania. I just wanted to be clear about it.

Mr. VREELAND. I do not stop to give the exact figures.

Mr. BUTLER of Pennsylvania. I do not mean to interrupt my colleague.

Mr. LITTLEFIELD. You simply want to emphasize his statement.

Mr. BUTLER of Pennsylvania. Yes.

Mr. DAWSON. Did not that include the value of the product down there as well as the value of the plant?

Mr. VREELAND. I think I will have to look it up finally and read what the gentleman did say.

Will you be kind enough—

Mr. BUTLER asked—

to include in your report what it has cost the Government up to this time to build that plant as it now is?

Mr. DAWSON. You will find it on page 1141 of the hearings. Captain Leutze says the whole outfit last year when he took charge was estimated at $25,000,000, so far as land and material and everything was concerned.

Mr. VREELAND. I will give the gentleman the benefit of the figures. Captain Leutze was asked:

Will you estimate the gun-factory plant, what it is worth, including the value of the land, material, shops, tools, and all?

And he says in reply, $24,001,000. Now, suppose we strike out $4,000,000 for material on hand and call it $20,000,000 invested in that plant.

Suppose you figure the interest at 2 per cent, and it is certainly worth that in the pockets of the taxpayers, you would have $400,000. Suppose you figure 5 per cent for depreciation, and any manufacturer in the country figures 10 per cent, you would have $1,000,000. Leaving out all the other charges figured against a plant by owners of it in private business, you will find that these items alone amount to $600,000 or $700,000, more than the entire output of the plant. Then talk about the economy of producing guns in this gun factory!

Mr. Chairman, this proposition has been before our committee for the past three years. It has not commended itself to us. We do not want to undertake to expend four or five or six million dollars in enlarging this present plant. Our investigation goes to show that not only here, but elsewhere where the Government manufactures its own product, it invariably costs us more than it does to buy of private manufacturers. Why, we have just been building two battle ships to determine whether it would cost more in a Government yard than it would in a private yard. We have found that it costs more to build precisely the same ship in a navy-yard—$400,000 or $500,000 more—than it would cost to build the same ship by private contract. Now, I am in favor of maintaining one plant in the United States where we can turn out a battle ship, because I believe it is worth its cost to the Government.

Mr. FITZGERALD rose.

Mr. VREELAND. I will yield to the gentleman in a minute. I believe it is worth its cost to the United States to have one plant that is able to build any battle ship for the Navy. I believe that it acts as a restraint on the shipbuilding firms of this country against combination. Mr. Chairman, when we come to the question of economy, when we come to the question of saving to the taxpayers of the Government by private manufacture, I have never seen an instance where it could be shown that such a fact exists. Now I will yield to the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I want to ask the gentleman if he knows how much it costs to build the *Louisiana*, which is being built at Newport News?

Mr. VREELAND. The information before the committee seems to show that it costs something like $400,000 less than the *Connecticut*, which is built in the Brooklyn Navy-Yard.

Mr. FITZGERALD. I simply wish to call the gentleman's attention to the fact that it is impossible to tell to-day how much ships being built by contract cost. I have figures which show that up to date it has cost very close to the limitation placed on the cost in the act authorizing it.

Mr. THOMAS of Ohio. Mr. Chairman, the gentleman from Virginia evidently did not understand my question, as he was certainly confused between a foundry and a machine shop. His amendment calls for a foundry, and he proceeds at once to talk about finishing guns. The gentleman evidently is a very good lawyer, but he certainly can not know much about a foundry or he would not talk about finishing guns in a foundry.

Mr. RIXEY. The gentleman from Ohio is a member of the Naval Committee, and he knows that this building has always been referred to as a foundry. He knows that in all of the hearings it was referred to the fact that the guns were finished at the foundry. It is called "the naval gun foundry."

Mr. THOMAS of Ohio. I never understood anything of the sort. I do not believe anybody versed in the iron business would refer to a place where they finish guns as a "foundry."

Mr. Chairman, I am opposed to the amendment made by the gentleman from Virginia pertaining to an appropriation for an additional foundry at the Washington Navy-Yard, as I do not believe that the interests of the Government can be best conserved by making same at this time.

The information that I have gathered regarding the present conditions was obtained mainly through personal observations and through conversation with Capt. E. H. C. Leutze, the present commandant or superintendent of the navy-yard. Upon examining the report of the commandant, I was amazed at the lax expenditure of money for the employment of skilled mechanics, who are not able, mainly on account of the poor facilities of the present foundry, to do their work efficiently, and I am constrained to say just a word or two on this subject.

According to the report referred to, there are employed in the foundry 227 molders in a space 260 feet by 113 feet. The fact is patent that there is not sufficient space for the number of men employed. They are literally stepping over one another. There is no question but that the present foundry is inadequate in size to make all of the castings required by the Government at this time; yet it must be admitted from the dimensions given that it is one of the largest in the country. But if the same policy is to be continued by the management as heretofore, there is no reason to expect that the congestion will be relieved. Why it should have been thought necessary to plod on in a rut when molding machines, pneumatic machines, and other up-to-date appliances could have been procured is a question that I think should appeal to every fair-minded man. I am not arguing for a reduction of men, understand, but for better results by the same number of men, and with less effort, making it easier on the men. It is stated that there is not sufficient room for machines. Then why should the number of employees have been augmented to the detriment of the work in general when by the erection of a few little buildings machines could have been installed and the product increased many fold?

The practice now in vogue at the navy-yard is to work the molders in two shifts, but anyone at all conversant with a foundry knows that this plan is an extravagant way of doing that class of work. It is admitted that the men on the night shift are unable to turn out more than 75 per cent of the work accomplished by the day molders. And I do not doubt it. The wonder is that they are capable of doing as much. For a casting may take three hours or it may take three days to cool, depending upon its size. Hence there is so much floor space wasted or delayed which can not be used by the oncoming shift.

Then, again, Mr. Chairman, I understand that all of the men employed are high-class molders—not laborers, but molders—all of them receiving molders' wages. There is not a first-class foundry in the country that would tolerate such a practice from a business standpoint. After all, Mr. Chairman, it is not so much a question of appropriating money for an additional foundry as it is a question of better management in the present one. It is no conclusive argument to assert that the molds are heavier in the Government plant than in other foundries, and therefore require more skilled help. If that be the case, there is a justifiable reason why there should be a decided reduction in the cost of producing them.

Not alone in the failure to provide laborers is the management subject to criticism, but also in the lack of machine facilities. It is fair to assume that in the foundry practice here there are many castings being made in duplicate. Then why should they not be made in a molding machine? This machine can be made to turn out a very large tonnage, and particularly on small castings as required by the Government. Two men with such a machine can do more work in eight hours than twelve molders without a machine could possibly do. This statement may be doubted by those who have not had experience with the molding machine, but its truth can be thoroughly established by a little investigation.

Government enterprise, as well as public office, is a public trust; and if private concerns can make money out of their foundry product, I do not see why the Government should not profit likewise. Yet it is admitted in this report that the cost of the product is higher than the selling price of outside corporations. Instead of being antiquated in management and method, a Government institution like this foundry should be found abreast of the times, if not just a little ahead of them. It is a good principle—

> To be not the first by whom the new is tried,
> Nor yet the last to lay the old aside.

But the Government follows neither of these injunctions.

It seems to me that if we are to run a foundry it should be the highest type of its kind on this continent. It should be a model for the foundries of the nation. It should be the mecca for the mechanics of the country. New devices and new methods should be immediately installed, judgment passed upon them, and condemned or approved, as the case might be.

I desire it to be understood that I am making no personal accusations against anyone connected with the management of the foundry, but I do insist that the policy thus far in control of the manufacture of castings is one of shortsighted business economy. I do not question the honesty or the integrity of the officials in charge, but I do claim that it would be far wiser for the Department to consult with experienced men out of the business world and possibly appoint a temporary board of experts to outline a practice that would be conducive to the best interests of the Government.

I insist that if this foundry is to be run on business principles, it would be far wiser to employ a foundry expert than it is to trust the expenditure of all this money to the inexperienced judgment of naval officials.

If you were in the foundry business you would not think of employing a naval captain to manage it any more than you would consider it proper for a foundry man to be placed in charge of a ship. One is as incongruous as the other.

Those who advance the argument in favor of an extensive foundry that there is a possibility of combination or collusion among manufacturers to maintain prices, show a lack of familiarity with the iron industry of the United States. When we consider the fact that this land is fairly dotted with small foundries, it is a manifest absurdity to suppose that a sufficient number could so combine as to control prices. Every city and almost every town of any importance supports one or more foundries. With all this competition, Mr. Chairman, if the Government finds it impossible to purchase iron castings at reasonable prices, there must be very poor management, to say the least. Too often we are prone to blame outside influences for deficiencies in our own make-up. To be specific, if the cost of gray iron castings is 3 cents per pound, when they can be purchased in the open market for much less, the fault is not in external combinations, but in our own lax managerial methods.

And the need of cities and towns for small foundries is as great, to my mind, as the need of the Government for a large foundry. Understand, the scope of my argument is not so much in opposition to the Government's going into the foundry business on a large scale as it is in favor of better management of the industries which it now controls. I mention the need of the country for these small institutions to show the utter impracticability of their being blotted out. They are, moreover, a necessity if we would foster the spirit of initiative and industry among small investors. To expect to build a nation out of citizens whose power of initiative is dwarfed by the growth of trusts and their allied principle, governmental ownership, to expect to build an enduring nation on such treacherous ground is foolish and unscientific.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LILLEY of Connecticut. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for two minutes more in order that he may finish his remarks.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the gentleman from Ohio may proceed for two minutes. Is there objection?

Mr. CLARK of Missouri. Mr. Chairman, I do not rise to object, but I desire to suggest that it is a pity there is no quorum present to hear so good a speech as the gentleman is making. I suggest there is no quorum present.

The CHAIRMAN. The Chair hears no objection. The gentleman from Missouri makes the point of order that there is no quorum present.

Mr. BATES. Mr. Chairman, there was no point of order raised.

Mr. CLARK of Missouri. Why, certainly there was.

Mr. BATES. Did the gentleman intend to make the point of order?

Mr. CLARK of Missouri. I not only intended to make it, but I did make it. One does not have to say "a point of order." If he suggests there is no quorum present he makes the point.

The CHAIRMAN. The gentleman from Missouri, the Chair thinks, has raised the point of no quorum. The Chair will count. [After counting.] One hundred and seventeen present, a quorum, and the point of order is overruled. The gentleman from Ohio will proceed.

Mr. THOMAS of Ohio. But that point is neither here nor there if we wish to show that the efficiency of a foundry can or can not be improved by merely increasing its size. To increase the size of something already inefficient only adds the opportunity for further conduct along the same line. To cover the glaring errors of mismanagement by extended facilities only affords room for the growth of those same practices. Let them show us first that they are doing the best they can do under the circumstances; show us first that affairs are now economically conducted; show us first that this "tree can bring forth good fruit," and then we will put more trees in the orchard. [Loud applause.]

Mr. GREGG. Mr. Chairman, I was struck with how the statement of the gentleman from Virginia [Mr. RIXEY] that the Bethlehem Steel Company and the Midvale Steel Company were charging us more for the rough forging of a 12-inch gun than they would furnish the completed gun for flushed some of the gentlemen upon this floor.

Mr. LILLEY of Connecticut. Why, that statement is not true. Will the gentleman let me read the figures?

Mr. GREGG. And how quick some of them were to rise up and say it was not true, and others to say that even if true it had no bearing on the question.

Mr. LILLEY of Connecticut. Will the gentleman yield?

Mr. GREGG. Not just now.

Mr. LILLEY of Connecticut. Will the gentleman allow me to give him the figures?

Mr. GREGG. I prefer not to let the gentleman inject his figures into my remarks. I have some here myself—figures given at the hearings of the committee when everyone could cross-examine the witness, and not ex parte figures.

Mr. LILLEY of Connecticut. Then the gentleman can read them.

Mr. GREGG. My time is so limited I must decline to yield further.

I am proceeding now to show that the statement of the gentleman from Virginia [Mr. RIXEY] is true, and then later I propose to show what bearing it has on the matter under consideration, which is the amendment offered by the gentleman from Virginia [Mr. RIXEY] to provide an appropriation of $300,000 to build and equip an adequate gun factory at the Washington Navy-Yard.

Captain Leutze, the superintendent of the navy-yard, was before the Committee on Naval Affairs. He is an honorable and truthful man. His word is much more to be relied on than are figures brought here, we know not from where, nor by whom compiled, nor their date, nor anything about them.

Here is what he says, on page 1142 of the committee hearings, in answer to questions asked him by the gentleman from Pennsylvania [Mr. BUTLER] and myself:

Mr. GREGG. The result is the same. As you don't make them, they charge you for the forgings for a 12-inch gun more than they sell the completed gun for?

Captain LEUTZE. Yes, sir.

Mr. BUTLER. How much difference is there between the cost of the forging and the completed gun?

Captain LEUTZE. Well, I could not say; I would have to know the weight of the forgings first. (The finished gun was offered $900 less than we have to pay for the rough forgings.)

Mr. BUTLER. How much does the Government pay for the forging of a 12-inch gun?

Captain LEUTZE. My best recollection at present is 45 cents a pound. (I find that this price was for the yoke forgings; the other forgings cost 30 cents per pound.)

Mr. BUTLER. In dollars and cents, how much?

Captain LEUTZE. I know what the gun weighs finished, but I don't know what each part—but I can give you that. (The forgings cost $52,500.)

Mr. BUTLER. Also give us the cost for the completed gun.

Captain LEUTZE. Yes, sir; the gun costs to complete it, labor, miscellaneous material, and shop expense, $9,270, added to the $52,500 for the rough forgings, makes a total of $61,770.

Mr. BUTLER. And state if you can buy the completed gun for the same amount of money that you pay for the forgings in the rough.

Captain LEUTZE. Yes, sir; in the case of the 12-inch gun. (In fact, the contract price was $900 less than what we paid for rough forgings.)

Mr. HILL of Connecticut. Why wouldn't it be good economy to buy the finished gun and not build this foundry? What does it cost the Government to make that gun that they can buy for $900 less than the forgings?

Mr. GREGG. It costs about $10,000 to finish it.

Mr. HILL of Connecticut. Ten thousand dollars more than they can buy it for? I would like to ask the gentleman if he is here advocating $10,000 apiece more for these guns than we can buy them for? Does the gentleman advocate the position that the Government should pay $10,000, according to his own statement, more for the privilege of making the gun than they can buy the gun for all finished?

Mr. GREGG. The very questions asked by the gentleman from Connecticut [Mr. HILL] show the relevancy of the statement made by the gentleman from Virginia [Mr. RIXEY], that the Midvale company and the Bethlehem company charge us more for the rough forgings than for the finished gun, and that relevancy is that these two concerns have made a combination to charge so much for the rough forgings that the gun factory can not complete the gun for the same amount they can, and thereby furnish an argument on this floor that the gun factory work comes too high, and that therefore this amendment should not be adopted, and that all work of the gun factory should be discontinued. If this amendment is defeated, their conspiracy will be but half accomplished; their victory will not be complete until the work at the Government factory is discontinued in whole. By defeating this amendment the Government is only crippled; by the latter it will be placed *hors de combat* and completely at their mercy. I for one will not be a party to a scheme to cripple the Government in order that it may hereafter be completely unhorsed, but as long as I am in this House I will favor giving the Government such facilities at the gun factory as will enable it to fight these two concerns to a finish.

These two concerns now have a monopoly on the forgings for this size gun, and rob us on their price, and who doubts, if we abandon the gun factory and give them a monopoly on the finishing work, that they will then run up the price of the finished gun and rob us both on the forgings and finishing work.

The object of the amendment under consideration is not only to prevent the abandonment of the gun factory, but its purpose is also to enlarge it and increase its facilities, that we may do the work cheaper than we are now doing it.

Mr. HILL of Connecticut. What is the difference between the Government being robbed and robbing itself?

Mr. GREGG. I want us to fix ourselves so we will not be robbed, and to do this it may become necessary for the Government to equip itself so it can make these forgings.

Mr. LILLEY of Connecticut. Why not go a step further and make the pig iron?

Mr. GREGG. I have no information about manufacturing pig iron. We have a foundry at which we make forgings for the smaller guns. Enlarging it so that we can make them for the larger guns is a very different thing from going into the business of manufacturing pig iron.

Mr. VREELAND. I would like to ask the gentleman a question. Will the gentleman yield?

Mr. GREGG. Yes.

Mr. VREELAND. I was going to ask the gentleman what relief would be afforded by building this gun factory, assuming the condition of affairs is as stated, but he has already answered the question by stating that he is in favor of building the foundry, which means not this appropriation before the committee, but an expenditure of five or six million dollars.

Mr. GREGG. The gentleman is mistaken in his figures. I suppose he refers to a plan submitted in 1903 for the expansion and enlargement of the Washington Navy-Yard, the entire estimated cost of which was about $3,000,000. The foundry of which he speaks is only a part of that, just as the gun factory is only a part.

The only thing involved now is the enlargement of the gun factory. The foundry for making forgings is not, but if it ever does come up, and conditions are the same as now, I think it would be good business to enlarge the foundry, too. As said before, the enlargement of the gun factory is the only question up now, and it does not involve any other part of the general plan, and while before the committee Captain Leutze said he regarded the gun factory necessary, leaving out everything else of the general plan.

We now have a gun factory, but it is inadequate to the needs of the Government, and by reason of this inadequacy the cost of production is increased. It has no yard. The material to be used has to be piled at different places, which makes it necessary to handle it back and forth repeatedly, and all this extra handling of the material adds unnecessarily and heavily to the cost of labor. This amendment proposes to give them a yard. And, besides, they use in the manufacture of ordnance a large quantity of bronze castings. It is shown that steel castings are much more desirable for the purposes for which the bronze are used; but they can not use the steel, because they have no facilities for making them. This amendment proposes to give them such facilities. And, besides, the floor space is

not large enough to work the men to advantage. They have to be worked in a day shift and a night shift; and Captain Leutze shows that the wages paid the men engaged in the night shift is the same as the wages paid those engaged in the day shift, while the output of those on the night shift is only about 75 per cent of those engaged on the day shift. Considering the great number of men employed (948), the loss in this respect to the Government is immense. It is proposed by this amendment to enlarge the floor space so that there will be no night shift, and thereby prevent this large decrease in the efficiency and output of labor.

The adoption of the amendment will increase the facilities of the gun factory, so that we can hereafter do all the work there cheaper than we are doing it.

The only effect of a defeat of the amendment will be to continue to hamper the Government, and the next step will be a proposition to stop the Government from doing any of the work, on the ground that it is too expensive, which will be a complete surrender to the Midvale company and the Bethlehem company. It will put us completely in their power. Whenever the proposition comes for us to abandon the gun factory, I expect it to come from those who oppose this amendment. They will prevent the Government from protecting itself, and then abandon the work because the Government can not protect itself.

Mr. HILL of Connecticut. Will the gentleman let me ask him a question? I want to vote intelligently on his amendment. I understand the amendment carries an addition or increase for an iron and brass foundry and has nothing to do whatever with the forgings of steel. Now, how would the Government be relieved in its situation in regard to steel forgings for guns by an addition to an iron and brass foundry? That is what I want to know.

Mr. GREGG. It will at least be the beginning of an enlargement and improvement which will enable us eventually to resist this robbery all along the line.

Mr. HILL of Connecticut. Now, let me ask the gentleman a question. As a matter of fact, is not this the situation, that he recommends a certain addition of the iron foundry, based upon the proposition that we are to spend three or four million dollars for an addition to the gun factory, but that if the addition to the gun factory is not made, does it not necessarily follow that the iron foundry is not necessary?

Mr. GREGG. No; this amendment proposes to appropriate $300,000 for an enlargement of the gun factory, and this is essential, regardless of whether we adopt the general plan of enlarging the Washington Navy-Yard, and in support of this I want to read what Captain Leutze said in answer to a question asked him by the gentleman from Virginia [Mr. RIXEY].

Mr. RIXEY. I would like to ask you as to whether or not the building of this new foundry is necessary if the committee does not proceed with the general plan, the $3,000,000 plan—that is, if this committee does not adopt that general plan.

Captain LEUTZE. I do consider it necessary, leaving out everything else, and I have recommended nothing else personally for this year.

The questions asked by the gentleman from Connecticut [Mr. HILL] can have but one object, and that is to show that the work being done at the gun factory costs more than we can have it done for by contract, and thereby lay a predicate for the abandonment of this Government work. He tries to make it appear that I favor paying more for a gun to be made at the factory than it can be bought for, but unfortunately the position of the gentleman is too narrow to be of any weight. He singles out only the 12-inch guns. The finishing of these 12-inch guns is but a small part of the work done there. A great many other kinds of guns are made there, and also a great quantity of other ordnance is made there.

On page 1151 of the committee hearings, Captain Leutze gives a statement showing the comparative cost of guns and mounts, made at the National Gun Factory, and the same guns and mounts bought by contract, which includes the 12-inch gun, which costs us an amount all out of proportion because of the exorbitant price for the forgings. This statement is as follows:

Comparative cost of guns and mounts building at the Naval Gun Factory and by contract.

Type.	Name of contractor.	Contract price.	Naval Gun Factory price.
12-inch guns	Bethlehem Steel Co	$51,644.80	$61,770.61
12-inch mounts	do	[a] 59,881.50	49,342.22
10-inch guns	do	43,800.00	37,015.80
8-inch guns	Midvale Steel Co	17,142.00	23,619.13
Do	do	24,380.17	23,619.13

[a] This 12-inch mount is designed by the Bethlehem Steel Company, and is more expensive to manufacture than the service mount with which it is compared.

Comparative cost of guns and mounts building at the Naval Gun Factory and by contract—Continued.

Type.	Name of contractor.	Contract price.	Naval Gun Factory price.
8-inch guns	Midvale Steel Co	$22,000.00	$23,619.13
8-inch mounts	do	14,417.17	12,156.13
Do	do	13,000.00	12,156.13
8-inch guns	Bethlehem Steel Co	19,988.00	22,511.25
7-inch guns	Midvale Steel Co	14,315.00	17,638.87
Do	Bethlehem Steel Co	18,590.00	17,638.87
7-inch mounts	do	8,545.00	8,477.13
6-inch guns	Midvale Steel Co	12,283.00	12,371.04
6-inch mounts	do	7,588.00	10,208.51
5-inch guns and mounts	Bethlehem Steel Co	10,600.00	12,610.59
4-inch guns and mounts	do	8,400.00	9,557.16

By this it is seen that the cost of some is cheaper when made at the gun factory, while others are cheaper when purchased by contract; but the total cost of all when purchased is $346,574.67, while the total cost of all when done at the gun factory is $354,311.67. We must consider the entire work done, and not pick out isolated pieces of work, and from this standpoint it is shown by this statement that the difference is insignificant, and if we could get the forgings for 12-inch guns at a reasonable price the whole would cost us less to make it than to buy it. I will here incorporate a statement showing the comparative cost of other ordnance made at the gun factory and the same ordnance bought by contract and the amounts saved by doing the work at the gun factory:

16 10-inch Mark V mounts:		
Deck lugs	pounds	9,000
Upper slides	do	8,500
Lower slides	do	6,800
Struts	do	1,400
Details	do	2,000
1 mount	do	27,700
16 mounts	do	443,200
Private contract price		$53,184
Naval Gun Factory price		31,024
Amount saved		22,160
29 7-inch Mark III mounts:		
Top carriages	pounds	5,000
Pivot stands	do	6,500
Slides	do	7,400
1 mount	do	18,900
29 mounts	do	548,100
Private contract price		$65,772
Naval Gun Factory price		38,367
Amount saved		27,405
28 7-inch Mark II mounts:		
Top carriages	pounds	4,800
Pivot stand	do	6,000
Slides	do	5,000
1 mount	do	15,800
28 mounts	do	442,400
Private contract price		$53,088
Naval Gun Factory price		30,968
Amount saved		22,120
108 8-inch Mark XII mounts:		
Deck lugs	pounds	7,200
Slides	do	7,600
1 mount	do	14,800
108 mounts	do	1,598,400
Private contract price		$191,808
Naval Gun Factory price		111,888
Amount saved		79,920
28 12-inch Mark V mounts:		
Deck lugs	pounds	12,000
Upper slides	do	14,000
Lower slides	do	9,000
Details	do	3,500
1 mount	do	38,500
28 mounts	do	1,078,000
Private contract price		$139,360
Naval Gun Factory price		75,460
Amount saved		53,900

Those who oppose this amendment fail to give any credit to another fact, which is that all the expenses of designing, experimenting, developing, and changing a lot of guns and mounts is included in the Naval Gun Factory prices. "This is an expense that the contractor does not have to bear, as he receives the completed drawings, etc., of the guns and mounts and pro-

ceeds with the manufacture in accordance therewith. If changes are made, additional compensation, covering the cost of such changes, is allowed the constructor."

When the Government needs certain ordnance, it publishes calls for bids for *a specific gun*, according to certain *specifications*, and the private contractor who obtains such contract *only* has to make the desired gun or other article *according to said specifications*, which in fact is the construction of *duplicate work* purely and simply; but we must not lose sight of the fact that all experiments were made in the Washington Gun Factory in order to obtain the perfect original to which the specifications used and followed by private contractors referred, as well as all ideas are advanced and put into tangible objects for the advancement and perfection of the most modern ordnance known; while the cost is quite large, it is absolutely necessary, as private contractors will not experiment at their own proper cost and expense for the benefit of the Government; and it is not fair or just to include the cost of all models, ideas, tools, and experiments made and had in the Washington Gun Factory in the cost of the finished and most modern product turned out therein, and then hold that the Government would save money by purchasing ordnance from private contractors, while as a matter of undisputed fact the private contractors are furnished with models and tools to a large extent by the Government which are made in the Naval Gun Factory and added to the cost of building guns at said Government Naval Gun Factory.

Where would the private contractor get his specifications from for the building of ordnance were it not for the Naval Gun Factory at Washington? How would the Government know what class or kind of ordnance it desired, and its constituent parts if it only relied upon private contractors, who, up to date, have only made ordnance according to prescribed forms and specifications furnished by the Government, obtained from its gun factory? How would the many improvements and latest devices be obtained, as is being daily done at said Washington Gun Factory, if the Government depended upon private contractors to experiment at their cost and expense? Certainly private contractors, even though they should make experiments, would include the cost of such experiments in the charge for the finished product, which would increase largely the present cost for simply duplication of guns and accessories from models already made in the Washington Gun Factory.

And, further, they fail to consider the fact that the guns finished at the factory are better and more satisfactory than those made by contract, and I will incorporate right here what Captain Leutze says on this subject, in answer to questions asked him by the gentleman from Virginia [Mr. RIXEY.]

Mr. RIXEY. You were talking about finishing the guns, and I want to ask you, in your opinion, whether the guns which are finished by the Government are better than those which are finished by private concerns?

Captain LEUTZE. There is not the slightest doubt about that; they are better, the parts are interchangeable, they are better finished, and more satisfactory in every way. The officers and men afloat prefer them.

Mr. RIXEY. You would not recommend that the Government should not finish its own guns?

Captain LEUTZE. I think it would be fatal if we stopped it.

I want also to state that many articles and ordnance made by these private contractors (to whom some of the Members of this House seem to wish to turn over all of our work) are received at the Naval Gun Factory in a state of imperfection, and have to be perfected at the gun factory. I will call special attention to the following cases which have been furnished me, to wit:

Continuously during several months prior to March of this year many 3-inch guns were received from the British-American Company in imperfect and defective condition, and had to be remedied and perfected at the gun factory. During the first days of March of this year there was received from the Midvale Steel Company one 8-inch gun, No. 149, with defective breech mechanism, which had to be perfected at the gun factory. The following gun mounts and accessories, recently received from the Bethlehem Company, had to be overhauled and made interchangeable at the gun factory, to wit: Twenty 5-inch Mark IX mounts, Nos. 262 to 281, inclusive; six 6-inch Mark VII mounts, Nos. 267, 268, 269, 280, 281, and 285. It cost the Government approximately $1,200 each to remedy the defects in said twenty-six mounts, making a total of $31,200. There was recently received from the Midvale Steel Company the following defective ordnance, to wit: One 8-inch slide, Mark XII mount, No. 178; one 8-inch gun, No. 151, with defective breech mechanism.

It is no wonder that Captain Leutze says that the ordnance made at our factory is better and more satisfactory to the men on the ships, the men who use them, than the ordnance bought by contract.

In this gun factory we have a body of the most skilled mechanics in the world, and if you will give them the facilities, they will do just as fine work and just as cheap work as can be done anywhere.

The cost of the enlarged gun factory proposed by this amendment is $300,000. The gentleman from Virginia [Mr. RIXEY] in his remarks showed that its erection would save to the Government annually about $60,000 on the two items of labor saved in handling the material, and the amount saved in using steel castings instead of bronze castings—which are now used because there are no facilities for making the steel. This is 20 per cent on the investment. What good business man would not make it? It was shown at the hearings that 948 men are worked on the night shift; that it is necessary to have a night shift, because the factory is not large enough to work all the men on a day shift; that the efficiency and output of the night shift is only about 75 per cent of the same men working on a day shift; that the men on the night shift receive the same wages as those on the day shift; so here is a loss of 25 per cent on the wages of these 948 men; add this to the $60,000 saved on the other two items, and you will have a saving which seems to me ought to induce any man who has the interest of the Government at heart to vote for this amendment.

The CHAIRMAN. Those for the amendment have ten minutes remaining, and those opposed to the amendment have fourteen minutes remaining.

Mr. HILL of Connecticut. Mr. Chairman, I would like to answer my own question, if the gentleman will pardon me about a minute and a half.

Mr. GREGG. My time has expired.

Mr. BUTLER of Pennsylvania. We will surrender a minute and a half to the gentleman.

Mr. HILL of Connecticut. I asked a question as to whether these two were not inseparable and one dependent on the other, and I find from the statement of the gentleman himself that that is the case, and that he states emphatically:

It is realized in all probability such a large appropriation can not be obtained this coming fiscal year, and therefore this amendment simply anticipates the appropriation of three or four million dollars with which is necessarily involved—

And which the Members of the House should understand must necessarily come if we make this appropriation, or else we have got the whole plan out of joint. But in the statements before the Naval Committee it is said we have got to have a proposition of three or four million dollars before we begin this expenditure.

Mr. BUTLER of Pennsylvania. Following what the gentleman has said, I understood the statement was made before the Naval Affairs Committee, by some one who pretended to know what he was saying, that this plant would ultimately cost $4,000,000, whereas it is estimated by some of us who have had ten years of experience in making appropriations on such subjects that it will cost $6,000,000 by the time it is completed.

Mr. DAWSON. Mr. Chairman——

The CHAIRMAN. The Chair desires to know if the gentleman who has just arisen is for or against the amendment?

Mr. DAWSON. I intend to speak for the amendment.

The CHAIRMAN. The gentleman from Iowa [Mr. DAWSON] is recognized for the amendment.

Mr. DAWSON. Mr. Chairman, I feel some embarrassment in favoring a proposition which has not met the recommendation of the Naval Committee, of which I am a member. But I desire to say that my position has been determined upon evidence which has come to me since the matter was considered by the Naval Committee—evidence which was not submitted to the Naval Committee when the matter was under consideration, and evidence of a character which, I think, this House wants to hear.

Now, I agree with my friend from Ohio [Mr. THOMAS] that what we want is the testimony of disinterested witnesses upon this proposition. There has been criticism here to-day about the testimony of the men who have charge of that foundry. There have been criticisms, by inference, of the men who desire contracts under the Government. The testimony which I have is the testimony of a disinterested witness. Secretary Morton, when he was Secretary of the Navy, desired to modernize and bring the Washington Gun Factory up to date. In order to have information upon which to base such action, he sent for a disinterested expert in the manufacture of steel. I have here the report of this gentleman, Mr. S. T. Nelson, and I want to call attention to one or two points in it.

I will say that this gentleman took up each shop and division of the Washington Gun Factory and discussed it in detail. In speaking of the foundry he said:

There are 186 men employed, working one shift only. For the number of men employed, the supervisory force (one master mechanic, one

quarterman, and one leading man) is entirely too small for so great a variety of work.

This foundry is altogether inadequate. It is the poorest-looking shop in the yard, and is not at all in keeping with the rest of the naval gun factories. It could not even be considered a good job foundry. In this small foundry they are trying to make brass castings, bronze castings, iron castings, and steel castings, and it would be just about the proper size for the brass work alone, to say nothing of the space occupied by other work.

Now, one of the greatest necessities for this foundry lies in the fact that it requires such a long period of time to secure castings, not only in the first instance, but to secure the replacing of castings which have been condemned by the inspector. In that connection, Mr. Nelson says:

Regarding placing orders for these castings outside, I have the same comments to make as about placing the orders for forgings outside of the blacksmith shop. It is the time lost in waiting for these orders to be filled that is the greatest objection. There is, however, so much competition in iron castings that low prices per pound could probably be had from outsiders, but the difference would be more than equalized by the time lost in waiting for orders to be contracted for, let, and filled; so while there might be an apparent gain in the price per pound, the time lost in the machine shop waiting for material would more than offset the difference. Besides, the Department wants castings from various mixtures, which it would be difficult to get from job foundries.

Now, I will turn to what he says about forgings, and show this House what sort of process is necessary to get these castings in the first place, and get the replacements of the castings after they have been condemned by the inspectors.

Mr. YOUNG. Will the gentleman say who this party is—is he an officer of the Navy?

Mr. DAWSON. No; he is not. He is Mr. S. T. Nelson, the man selected by Secretary Morton as the best man to go there and examine that plant from the standard of a business man, and recommend to Secretary Morton how it could be modernized.

Mr. YOUNG. Had he been engaged in the manufacture of iron and steel?

Mr. DAWSON. I do not know; but I think he had.

Mr. YOUNG. Where was he from?

Mr. DAWSON. From Chicago. Now, Mr. Chairman, as to the process necessary to go through in order to replace the castings which have been condemned by the inspector.

Mr. VREELAND. May I ask the gentleman, is this testimony any better than that of his colleague [Mr. THOMAS] who is also practically engaged in the business, and other Members?

Mr. DAWSON. I do not understand that my colleague [Mr. THOMAS] spent several weeks' time in this examination as Mr. Nelson did, or that he has gone through the manufactory of the Washington Gun Factory with a stenographer at his elbow taking down the criticisms here and there, and setting it all down in an official report.

Mr. VREELAND. He did not cover only the foundry?

Mr. DAWSON. No; he covers the whole plant. Let me give the House the details of how long it takes the Department to get an outside order filled. Mr. Nelson says in his report:

FORGE SHOP.

The greatest trouble at the present time is the slow filling of orders. The Department takes so long in first advertising for bids, then letting the contract, and then getting the forgings; during all this time the other parts of the guns, or whatever it may be, are lying around the shops taking up valuable room, while they are waiting for the forgings to come in from outside forges. When the forgings do come in, and are found to be defective, the inspector condemns them; this in turn must be reported to the superintendent; the superintendent reports this to a board that condemns them officially; then it is referred to the purchasing department.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LILLEY of Connecticut. I ask unanimous consent that the time of the gentleman may be extended.

The CHAIRMAN. The gentleman from Connecticut asks unanimous consent that the time of the gentleman from Iowa be extended five minutes. Is there objection. [After a pause.] The Chair hears none.

Mr. DAWSON. As Mr. Nelson says in his report:

Then it is referred to the purchasing department, and from there to where the forgings are made; so you can readily see the ridiculous loss of time in such cases. When they make their own forgings they can get them when they want them and as they want them. If a forging is condemned by the inspector, the forge department is immediately notified and another made in its place, and the work that the forging is a part of can go along and become finished, whereas if it is bought outside everything has to lie around and wait for the round-about way of getting it in the first place—getting it officially condemned, as they call it—and then replaced by the concern that made it. The replace orders get very scanty attention from all concerns, especially in busy times, and especially so with the Government, where there is no one in particular to keep prodding at them all the time to fill these orders.

Even if it costs as much to make the forgings in the Government shops as it costs to buy them outside, all the time would be saved that is now lost in waiting for orders to be filled and the work of which these forgings are a part could be completed and gotten out of the way.

Mr. LOUDENSLAGER. Will the gentleman permit me to ask him about the other point?

Mr. DAWSON. Just a moment; after I get through with this.

Speaking of the brass and steel castings which this increase is proposed to provide for, he says:

BRASS CASTINGS.

The brass castings they make in this department are very excellent, and the various mixtures for brass and bronzes are determined by the Department. I have found by experience that it is well-nigh impossible to get the job foundries to give you brass and bronze as you want it, and there is opportunity for dishonest work in connection with these mixtures that some people do not hesitate to resort to in order to make it pay; and it is well-nigh impossible to check them up on it, because it would be practically impossible to analyze all the mixtures and determine by this means whether they have given us the proportions asked for in the various pieces. The kind of brass and bronze castings, especially manganese bronze castings used in the naval gun factories, must be made exactly as determined by the Ordnance Department, as it would not do to take any chances on these mixtures for fear a part or parts might break on account of defective material at a critical moment, when a gun was in action and needed very badly; the probabilities that a defective piece would be the means of disabling the gun until repairs could be effected.

STEEL CASTINGS.

They are at present using a small converter for making their own steel castings, and as has already been mentioned in connection with iron castings there is so much competition in steel castings that as far as what the first cost of these castings is concerned, they could be made in outside foundries just as well as not. But here we are again confronted with the time and money losing delays in getting orders filled. When times are good in the country these steel foundries are filled up to overflowing, and it is almost impossible to get early deliveries, and all small manufacturers are constantly after these concerns to fill their orders. The consequences are that the Government has to wait. Then we are again confronted with the time lost in connection with the lengthy process of condemning castings.

Mr. LOUDENSLAGER. Do you charge up against the manufacture of these forgings the cost of the delay of the Government officials in their examining and condemning them?

Mr. DAWSON. I am not speaking of the price; I am simply detailing the process.

Mr. LOUDENSLAGER. I am speaking of the delay. You spoke of that.

Mr. DAWSON. Now, Mr. Chairman, he says.

In order to get replaces promptly, is one of the greatest arguments in favor of increasing the steel plant and making a greater number of steel castings than it now makes. When a steel casting is condemned it has to go through the same routine as mentioned in connection with the condemning of forgings, and it will require from six to ten weeks to get a defective steel casting replaced which, if made in your own shops, could be replaced in the length of time that is required to mold it and anneal it, which is about two weeks or less; so that, for the sake of prompt deliveries and prompt replacing of condemned castings, this steel plant ought to be increased to several times its present size——

Mr. LILLEY of Connecticut. Will the gentleman yield for a question?

Mr. DAWSON. In just a moment. I wish to finish the reading of this:

as the receipt of material without delay, and the early replacing of condemned castings will be the means of getting the work completed that they are intended for, and the work can be gotten out of the shops and out of the way; whereas it is now piled up so that some of the shops resemble storehouses more than workshops.

Mr. VREELAND. Bearing on the point about which the gentleman has been reading, in which he speaks of the delay caused by purchasing these castings abroad, I would ask him if he would not give the committee something found on pages 77 and 78 of this same gentleman's report, in which he speaks of the gun factory making 92 top carriages, 105 slides, 43 elevating arms, and 20 brackets, which were finally condemned and thrown aside because the plans made by the gun factory itself were found to be defective.

Mr. DAWSON. No; the gentleman does not exactly state the proposition. Mr. Nelson, in his report, does condemn that particular piece of business, but he condemns the Ordnance Department of the Navy for placing such a large order before it is thoroughly decided that the design is going to be satisfactory.

Mr. YOUNG. It was a question of naval management, then?

Mr. DAWSON. In the Ordnance Department, and not in the gun factory itself. They simply manufacture down there what they are ordered by the Ordnance Department to manufacture.

Mr. VREELAND. I think the gentleman will find, if he reads it, that they are condemned for making 200 top carriages, slides, elevating arms, and training brackets, and putting the work on them before they found they were defective.

Mr. DAWSON. Yes; but the criticism is directed at the Ordnance Department of the Navy, which placed the order, and not at the gun factory, which simply executed the order.

Mr. VREELAND. It costs just as much whether it is one department or the other.

Mr. DAWSON. Yes; but we want the criticism to be placed where it belongs.

Mr. LOUDENSLAGER. What branch of the Government will this foundry be placed under if it is built?

Mr. DAWSON. It will be placed under the management of Captain Leutze.

Mr. LOUDENSLAGER. Under the Ordnance Department of the Navy?

Mr. DAWSON. Under the same management that it is now.

Mr. LOUDENSLAGER. Then the same state of affairs will continue?

Mr. DAWSON. The same thing would have happened if the Ordnance Department had placed the order with an outside contractor, and it did place the same kind of a defective order outside the factory, as the evidence will show.

Mr. VREELAND and Mr. LILLEY of Connecticut rose.

Mr. DAWSON. I have only a few minutes. I should like very much to yield to the gentleman, but I have not the time.

Mr. WACHTER. We will give you the time.

Mr. DAWSON. The time for closing the debate on this amendment has been fixed.

Mr. Chairman, a good deal has been said on this floor about the price of products of the Washington Gun Factory as compared with the prices in outside concerns. Now, this disinterested expert, who seems to know what he is talking about, has gone into this question with great thoroughness. He submits at the bottom of this report a comparison of what it costs to manufacture articles in the Washington Navy-Yard and the cost to get them by contract. And it should be borne in mind, as he says, that the Naval Gun Factory price as shown here includes 40 per cent in addition to the actual cost of labor and materials, and the cost of experimenting is also included. So I should judge that that was an eminently fair comparison. Now, for instance, here is a 1-pounder gun, rapid fire, with accessories; the contract price, $450; Naval Gun Factory price, $335.20. Here is a 1-pounder gun, Maxim-Nordenfeldt heavy automatic; contract price, $2,329.72; Naval Gun Factory price, $1,874.73. I will print in the RECORD a part of the comparison submitted in this report, as follows:

CONTRACT PRICE.	NAVAL GUN FACTORY PRICE.
$2,500. 6-pounder gun, semiautomatic, with mount, complete, from Driggs-Seabury Gun and Ammunition Company; 50 on contract of April 30, 1900.	$2,233.45. 6-pounder gun, Mark IX, model 1 (semiautomatic), complete, with Mark VII mount, manufactured on job order No. 4177, 1901. Price includes $400 royalty.
$1,137.52. 3-inch field gun and carriage made by American Ordnance Company. The cost is independent of the gun forgings, which were furnished by the Bureau of Ordnance.	$1,063.39. 3-inch field gun, Mark I, and carriage, manufactured on job orders No. 3358, 1895 and No. 3111, 1896. Price includes $90 royalty. The cost of forgings, $140.80, has been deducted.
$1,783.20. 3-inch 50-caliber gun, Mark II, with Mark II breech mechanism, from American Ordnance Company; 100 on Bureau of Ordnance requisition No. 144 of February 23, 1901.	$1,754.14. 3-inch 50-caliber gun, Mark II, using the cost of gun manufactured on job order No. 1539, 1900.
$4,333.33. 3-inch 50-caliber nickel-steel gun, mount and sight from American and British Manufacturing Company. Contract of April, 1905.	$4,129.05. Estimate based on 3-inch gun No. 280. Nickel-steel gun ..... $1,979.05 Mount, Mark IV ..... 1,200.00 Sight ..... 950.00 Total 4,129.05
$2,592.94. 4-inch 40-caliber gun, Mark VI, with Mark V breech mechanism, Nos. 145 to 164, from American Ordnance Company. Contract of November 28, 1896.	$2,522.72. 4-inch 40-caliber gun, Mark VI, with Fletcher breech mechanism, Mark V; average of 30 guns manufactured on job order No. 3080, 1897, serial Nos. 180 to 209. Price includes $100 royalty. The forgings on this lot of guns were considerably cheaper than on guns built later.
$1,573.14. 4-inch mounts, Mark IV, from American Ordnance Company.	$1,474.10. 4-inch mount, Mark IV-A. Averaged from No. 77, $1,688.73, invoiced March 19, 1897; No. 111, $1,271.57, invoiced April 19, 1897; No. 144, $1,462, invoiced August 31, 1897.
$5,500. 4-inch gun, Mark VII, with mount Mark VIII, model 1. Nos. 327 to 338, from Bethlehem Steel Company, contract February 28, 1903.	$5,454.28. 4-inch 50-caliber gun, Mark VII ..... $3,471.05 4-inch mount, Mark VIII, model 1 ..... 1,983.25 Total ..... 5,454.28 For gun, take average of 25 guns on job order, 1903-00. For mount, deduct— Labor ..... $550 Material ..... 100 Per cent ..... 220 Total ..... 870 from cost of mounts manufactured on job order No. 403-00, Nos. 233 to 236, inclusive, invoiced at $2,853.25, for changes not included in the contract mount.
$13,000. 6-inch 40-caliber gun, Mark VII, with Mark VII breech mechanism. Nos. 265 to 276, and 6-inch mounts, Mark VII. Nos. 274 to 285, from Behlehem Steel Company, contract of June 11, 1901.	$10,417.44. 6-inch 40-caliber gun, Mark IV, with Mark IV breech mechanism ..... $6,999.61 6-inch mount, Mark VII, model 1 ..... 3,417.83 Total ..... 10,417.44 For gun, take average of three guns Nos. 260, 261, and 262, manufactured on job order No. 2664-00. For mount, take cost of mounts Nos. 182 to 189, Mark VII, model 1. Cost of gun includes $100 royalty.
$10,770. 6-inch 40-caliber gun, Mark VII, with Mark VII breech mechanism, spare gun No. 264, from Bethlehem Steel Company; requisition 139, January 29, 1901.	$7,449.56. 6-inch 40-caliber gun, Mark IV, with Fletcher breech mechanism, Mark IV. Take cost of gun No. 263, manufactured on job order No. 4895-00, for one gun. Cost includes $100 royalty.
$18,590. 7-inch gun, Mark II, with Mark I breech mechanism, from Bethlehem Steel Company; 36 on contract of October 8, 1903. Contract puts yoke on the mount.	$17,124.05. 7-inch 45-caliber gun, Mark II, with Mark I breech mechanism: Estimated cost of gun .. $18,400.71 Deduct yoke, cost as on order No. 2791-04 ..... 1,276.66 Net 17,124.05
$8,545. 7-inch mount, Mark II, from Bethlehem Steel Company; 36 on contract of October 8, 1903. Contract puts yoke on the mount.	$7,460.02. 7-inch mount, Mark II. Estimate of July 3, 1903, letter No. 5387, replying to the Bureau's letter No. 7496 of June 22, 1903: Estimated cost of mount $6,183.36 Yoke, order No. 2791-04. 1,276.66 Net 7,460.02
$24,380.17. 8-inch gun, Mark VI, with Mark V breech mechanism, nickel steel, from Midvale Steel Company; 24 on contract of September 8, 1903. Contract puts yoke on mount.	$21,631.08. 8-inch 45-caliber gun, Mark IV, with Mark V breech mechanism. Cost estimated first by adding $250 labor to the cost of 8-inch 40-caliber gun, No. 88, on job order No. 1449-01, $24,675.26. On completion of job order No. 1589-01 it was seen that $800 could be deducted. On examination of the tool account it was seen that $600 should be deducted for extra and special tools. Deduct ..... $1,400.00 Net cost of gun ..... 23,275.26 Cost of yoke on job order No. 5186-03, deduct ..... 1,644.18 Gun without yoke ..... 21,631.08 The price still includes $1,000 for tools.
$14,417.17. 8-inch turret mount, Mark XII, from Midvale Steel Company; 24 on contract of September 8, 1903. Contract puts yoke on mount and does not include any ammunition-handling apparatus.	$12,144.18. 8-inch turret mount, Mark XII. Estimated cost of mount without ammunition-handling apparatus ..... $10,500.00 Yoke, order No. 5186-03 .... 1,644.18 12,144.18

Cost of all sizes of powder cans made and the latest quotations by outside manufacturers:

Caliber.	Average approximate cost at Washington Navy-Yard.	Late contract prices.	Old contract prices.
5-inch, Mark II	$6.38	$12.00	
5-inch, Mark III	8.22	12.00	
6-inch, Mark V	7.94	14.00	
6-inch, Mark VII	11.12	14.00	
7-inch	(a)		
8-inch, Mark IV	11.88	18.00	
8-inch, Mark V	11.50	18.00	
10-inch, Mark IV	19.28		$15.16
12-inch, Mark IV	20.32		20.60
13-inch, Mark II	21.225	22.00	

[a] Only experimental tanks made.

Costs of all sizes of cartridge cases made, and the latest quotations of outside manufacturers. Forty per cent is added to material and labor in all cases.

Caliber.	Cost to make here.	Latest price quoted outside.
1-pounder	$0.175	$0.25
3-pounder	.55	.87
6-pounder	.55	1.00
3-inch field	.50	.65
3-inch 50 caliber	3.25	5.00
4-inch 40 caliber	5.50	7.60
4-inch 50 caliber	8.50	12.00
5-inch 40 caliber	7.00	8.10
6-inch 40 caliber	11.50	17.00

So it goes, from the top to the bottom. With only one or two exceptions, which are not material, these guns and other articles are manufactured in the Washington Gun Factory cheaper than they are purchased by contract. Now, let me go one step further.

Mr. VREELAND. I should like to ask the gentleman how he disposes of the figures, which I have presented here, showing the ordinary charges against the plant that would be made by the private manufacturer in reaching the total cost of the output?

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAWSON. I should like to have time to answer the question.

The CHAIRMAN. The gentleman asks unanimous consent that he may have time to answer the question.

Mr. DAWSON. I should like to have five minutes. Of course, if the House does not want to know the facts, I am perfectly willing to sit down.

Mr. VREELAND. It seems to me that we ought to have all of the facts instead of those facts which the gentleman from Iowa picks out for us. [Laughter.]

The CHAIRMAN. Under the limitation put on the debate some time ago, debate in favor of the amendment is exhausted.

Mr. DAWSON. I want to add the amount that the iron and steel castings cost, as shown by this report:

Cost per pound of iron and steel castings and the prices quoted by outside manufacturers.

	Cost to make at naval gun factories.	Price quoted outside.
Iron	$0.03	$0.035 to $0.04
Steel	.05	.04 to .10

The CHAIRMAN. The question is——

Mr. LOUDENSLAGER. Mr. Chairman, has the time for debate on this amendment all been consumed?

The CHAIRMAN. The time in favor of the amendment has all been consumed; there are ten minutes due the negative side.

[Mr. LILLEY of Connecticut addressed the committee. His remarks will appear hereafter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. RIXEY) there were—ayes 33, nays 71.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Naval station, Key West, Fla.: Dredging and filling in, $15,000; to complete two officers' quarters, $1,200; marine railway, to complete, $5,000; in all, navy-yard, Key West, Fla., $21,200.

Mr. SPARKMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 30, line 19, after the word "in," strike out "fifteen" and insert "fifty;" in line 21, after the word "dollars," insert "commandant's quarters, $12,000; suspensory, $10,000; latrine, $3,000; grading and fencing, $10,000; sewer system, $3,000;" and in line 22 strike out "twenty-one" and insert "ninety-four."

Mr. SPARKMAN. Mr. Chairman, I have offered this amendment because I think it ought to be adopted. But before giving my reasons in detail for this opinion I desire to call the attention of the House, and incidentally that of the Committee on Naval Affairs, to what I conceive was an oversight on the part of that committee with reference to another matter, connected, however, with the subject-matter of this amendment.

Looking at the map of the Atlantic and the Gulf coast States, I notice quite a long stretch of seacoast from Charleston, S. C., around by Savannah, Fernandina, Jacksonville, Miami, Key West, and Tampa to Pensacola, a distance of about 1,200 or 1,300 miles, on which there is not a single dry dock or other facility for docking and repairing a battle ship or other naval craft in case of injury in battle or damage from any other cause, and no provision in this bill for the construction of such dry dock or any suggestion that this inadvertency or mistake will be remedied in the future, while on the coast north of Charleston, S. C., and up to Portsmouth, N. H., a distance of 700 or 800 miles, there are six of these places where dry docks are located, or one for about each 150 miles.

Now, Mr. Chairman, I do not care to criticise, and I do not intend to criticise, Congress or the Navy Department for establishing these dry docks. Indeed, I assume that they were necessary at the time they were established or they would not have been constructed. Nor would I say that they are not necessary now, that they are not being used, and will not be used in the future, but I do say that along this stretch from Charleston around the Florida coast, a distance, as I have said, of 1,200 or 1,300 miles, there should be in the interest of the Government at least one or more dry docks, especially on the southern coast of Florida. The necessity for these, I think, will be apparent to anyone who will give thought to the conditions there.

What are those conditions, Mr. Chairman? Florida projects far out into the southern seas, within 1,200 miles of the eastern terminus of what we have said shall be the Panama Canal, also within twenty-four hours' run of the Caribbean Sea, whose waters wash a part of the eastern shores of Central and South America. She has the Gulf of Mexico on one side, the Atlantic Ocean on the other, and the Gulf Stream—that most remarkable of all ocean currents—along her southern shores, beyond which lie the island of Cuba and her kindred group of islands known as the West Indies, extending in a semicircle all the way down to South America and inclosing from the eastward, so to speak, the Caribbean Sea, with the exception of large and deep channels or passages running between these islands, and thus connecting it with the Atlantic Ocean; the whole presenting an aggregation of conditions which places Florida and her southern ports in a position of transcendent importance to the United States from the standpoint of commerce and naval strategy.

Into and through the Gulf of Mexico the exports and imports to and from the Gulf States and States tributary thereto must pass, while through the channels leading into the Caribbean Sea the commerce of South and Central America must likewise go, soon to be augmented, we hope, by the completion of the Panama Canal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I ask unanimous consent for ten minutes more.

The CHAIRMAN. The gentleman from Florida asks unanimous consent to proceed for ten minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. Now, Mr. Chairman, it is not so much by shore batteries or standing armies as by battle ships and armed cruisers patrolling the straits of Florida and the passages into the Caribbean Sea that this vast commerce must be protected on our part in case of war with any European country, and we should be prepared with both ships and all that goes to make an efficient navy to furnish that protection if we would keep abreast of the progress of the world.

It is there also that we must protect, if it should ever be attacked, the Monroe doctrine. And who can say it will not be attacked? Continually new applications of it are being made. Under it we are to maintain, as against monarchial governments, the South and Central American republics, and almost at any time we may be called upon to uphold this self-imposed duty and defend one or more of these republics against the greed of some European country, and should the occasion arise we will meet it with every resource at our command.

This doctrine has obtained now for nearly a hundred years, and whatever mistakes, if any, have been made in its application, whatever strain we may have put upon it in our efforts toward territorial aggrandizement or otherwise, its principles are, perhaps, as dear to our people to-day as they ever were during any period of our glorious history. Indeed, I know of nothing except our own homes and firesides, our institutions, our rights and liberties for which we would lay down our lives more readily than for this doctrine, proclaimed by an American President even when we were weak among the nations of the world; and should it be assailed to-day 80,000,000 of Americans would rise up in its defense.

But again, where and how would it be defended? Not, perhaps, on American soil, but mainly in the waters and in the section just mentioned. To the westward and the southward of the Caribbean Sea would lie the object of attack, while our Gulf commerce and that of the Caribbean Sea would, if undefended, fall an easy prey to an enemy with a stronger navy. Hence the importance of these waters in a strategic sense, and hence the necessity for every facility at these far southern ports for the repairing and supplying of the ships of our Navy that must constantly assemble in and patrol these waters.

The Navy Department now for a greater part of the year, even in times of peace, keeps a large fleet in these waters. Almost every winter one is sent thither for the purpose of maneuvering, practicing, and otherwise familiarizing the officers and men with the scenes where their services may be needed, where naval battles may be fought in the future. So that navy-yards and dry-dock facilities are as greatly needed there as anywhere else along the thousands of miles of our immense seacoast.

Suppose, Mr. Chairman, a vessel should be injured in the Straits of Florida or in the southern part of the Gulf of Mexico, where would she go for her repairs if necessary for her to go into a dry dock? Either to Charleston or Norfolk, six or eight hundred miles up the Atlantic, or to Pensacola, on the Gulf, or, rather, I should say, to New Orleans, six or seven hundred miles, as the Pensacola dry dock, 550 miles from Key West, is, unfortunately it appears, not sufficiently large to accommodate the great battle ships of our Navy. In fact, I am told that the New Orleans dry dock is the only one in the Southern States that can accommodate a first-class battle ship. True it is that the Government—at least so I am informed—is constructing a dry dock at Guantanamo, its naval station on the

southern coast of Cuba, but this, when completed, will be as far from the Straits of Florida and the southern part of the Gulf as Charleston and New Orleans. So the situation will be only partly relieved by the construction of a dry dock at Guantanamo.

Now, Mr. Chairman, to send a damaged vessel so far for repairs would entail great loss of time and money. Besides, in time of war such a course might invite disaster, as it would not be safe at all times to send a wounded ship alone over such a distance. In fact, such conditions might easily arise in case of disaster to our fleet. Of course we do not expect disaster. We have not, be it said to the honor of our Navy, been defeated many times in battle upon the sea, and we all indulge the hope and cherish the belief that it may never happen again. But it is well to be prepared, and we can not too soon construct a dry dock in one or both of the harbors of Key West and Tampa, each of which is among the finest in the world. Admiral Endicott, in his testimony before the House Committee on Naval Affairs early this year, said that there should be three or four dry docks on the Gulf of Mexico.

The following important statement is to be found on page 567 of these hearings:

Admiral ENDICOTT. * * * I think the Government ought to have three or four first-class dry docks on the Gulf of Mexico. There is only one dock on the waters of the Gulf or on the waters tributary to it, and that is the one at New Orleans. There is not a dock at Pensacola to-day that will take anything over 10,000 tons—that is, a floating dry dock. I think when the dock at Charleston is completed there will not be anything south of that which will take any battle ship except the New Orleans dock. There is a long stretch of coast that has no facilities for docking a battle ship.

Now, Mr. Chairman, on the Atlantic, north of Charleston, these dry docks are placed on an average of about 150 miles apart. Tampa and Key West are more than 200 miles apart, so that one Government dry dock at each place, in addition to the one at Pensacola, could properly be constructed, while the meager facilities at Pensacola should be augmented by the construction of a graving dock there.

Why, Mr. Chairman, the committee ought even here and now to remedy the mistake to which I have called attention, for mistake it is, not to give us the dry-dock facilities recommended by Admiral Endicott in those southern waters. But I would have but little hope at present of inducing the Naval Committee to accept an amendment, if I should offer one, entailing such an expenditure as would be requisite for the construction of even one of these docks. So I shall for the present let the matter rest, with the hope that this able committee may see its way clear at the next session of Congress to remedy these mistakes.

I now come to the amendment which I have offered, and in connection with what I may say regarding it I wish to read from the hearings had before the Committee on Naval Affairs the statement of Admiral Endicott, or a part of it, upon the importance of having navy-yards and dry docks at the places mentioned. I ought to say, Mr. Chairman, that my amendment does not embrace all the recommendations of the Navy Department, and I have included only those which Admiral Endicott said at the hearings ought to go into this bill, and which have been left out by the committee, whether wisely or unwisely it will be for the House to say. The entire amount of these recommendations was upward of $200,000, but these were reduced by him at the hearings to the items and figures as they appear in the amendment, these items being considered by him as more urgent.

There is a navy-yard at Key West, but not a dry dock. That navy-yard there, Mr. Chairman, has cost a good deal of money. I see that Admiral Endicott fixes its value at upward of $900,000. But it is, perhaps, including the land and the improvements there, of more value than the amount of money it originally cost.

Mr. RIXEY. How far is it from Pensacola?

Mr. SPARKMAN. It is about 550 miles, as I recollect now. I now read from the testimony of Admiral Endicott, to show the importance of this naval station at Key West. The importance of navy-yards and the alleged practice of diverting work that it was claimed should be done at one navy-yard to another was under consideration when the following colloquy between the gentleman from Connecticut [Mr. LILLEY] and Admiral Endicott occurred:

Mr. LILLEY. It may indicate that we have too many navy-yards. Do you not thing that if we were a private enterprise instead of a great Government we would concentrate more and spend that money in large navy-yards and put it all into one and make one first-class establishment on each coast?

Admiral ENDICOTT. I think a private establishment would do that, because it is much more economical; but in a military establishment it is a great convenience, and very important frequently, to have naval stations at different points along your coast. In case of a war which involved very active operations in the Caribbean Sea, for instance, or in South America, it would be very important to have good, efficient naval stations on the nearest coasts. It would save a great deal of time and money.

And Key West, Mr. Chairman, and the southern portion of Florida is near this territory.

Mr. LILLEY of Connecticut. Will the gentleman yield?

Mr. SPARKMAN. Yes, sir.

Mr. LILLEY of Connecticut. I also asked Admiral Endicott—I do not see it in the hearings here, but I recollect very distinctly I asked the question—whether or not he thought it would not be better to abolish two stations on the Gulf and make one first-class yard either at Key West, Pensacola, or New Orleans, and he said he thought it would. I asked him where that first-class yard ought to be established, and he stated at Pensacola.

Mr. SPARKMAN. Well, I have not come across that yet.

Mr. SLAYDEN. Does that suit you?

Mr. SPARKMAN. But I am under the impression that before I get through, if the committee will indulge me till I finish the statement of Admiral Endicott on that point—it is not very lengthy—it will be seen that the admiral did not speak advisedly when he made that answer, because he says something else different, I think, from that statement to which the gentleman has just called attention. Perhaps the statement to which the gentleman refers is what immediately follows. I will read it:

Mr. LILLEY. I notice that we have navy-yards at Portsmouth, Boston, New York, Philadelphia, Charleston, Key West, Pensacola, Norfolk, and that there are large appropriations for them all. Would not the work be done more economically if there were, say, not over half as many yards on the Atlantic coast?

Admiral ENDICOTT. It might be done more economically from the standpoint of peace entirely; but I think it is good policy to make a few of the yards larger.

Mr. LILLEY. That was my idea on that.

Admiral ENDICOTT. Some of these yards are second and third class yards. They are small establishments, and the regular current expenses are small.

The repairing of ships at navy-yards keeps the plants in better condition for the heavy strain on them in case of emergency—in case of war. If you did your repairing outside, as well as your building, the yards would run down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPARKMAN. Mr. Chairman, I really would like to have sufficient time to finish reading what I desire to read here from Admiral Endicott's statement, which is only a page or two.

The CHAIRMAN. The gentleman asks unanimous consent that he may finish his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. SPARKMAN. Mr. Chairman, I am not accustomed to taking up the time of the House unnecessarily and I shall only detain it a few minutes longer. On page 544 of the hearings, the gentleman from Massachusetts [Mr. ROBERTS] asked a question in regard to grouping dry docks at one point, the answer to which is as much an argument in favor of a well-equipped navy-yard as a dry dock; hence I read it:

Mr. ROBERTS. In regard to grouping them at one point.

Admiral ENDICOTT. Well, there ought to be enough dry docks at an important navy-yard to admit of taking out a squadron and cleaning and painting their bottoms immediately. There ought to be several dry docks at a point like New York or Boston or Norfolk or Mare Island, for instance. I think each one of those yards ought to have several dry docks. There are times when you can not disperse your squadron or fleet and send some vessels to Boston and some to New York and some to Norfolk, and so on, for docking. They may be in a harbor where they can not get out unless they go together. The English navy has twenty-one dry docks in the Portsmouth navy-yard alone.

I also read the following extracts from pages 566–569 of the hearings:

The CHAIRMAN. Now we go to "Naval station, Key West, Fla.: Dredging and filling in, $50,000." We gave you $15,000 last year.

Admiral ENDICOTT. Yes.

Mr. MEYER. Admiral, is it intended to equip this as a complete navy-yard?

Admiral ENDICOTT. Oh, no. It was found during the Spanish war that it was a very important post, and there were very few facilities there. We had to go out and rent property outside of the Navy at that time.

So you see the admiral does regard Key West as a very important place.

Mr. BUTLER. Do you know how that place is defended at the present time?

Admiral ENDICOTT. The War Department has a fortification at Key West, and there is also a fort at Dry Tortugas.

The CHAIRMAN. This looks like building up a station here. You ask in all for over $200,000.

Admiral ENDICOTT. We have a large coaling station, and we have a steam-engineering building and a construction building.

Mr. MUDD. What do you construct?

Admiral ENDICOTT. Vessels go there for repair.

Mr. LOUDENSLAGER. How many vessels were there last year? Do you know?

Admiral ENDICOTT. I could not tell you.

Mr. LOUDENSLAGER. The record shows that year before last there were two vessels there, and they remained a total of eight days, the two of them.

Admiral ENDICOTT. During the Spanish war that was made a post and the fleet was there a long time under Admiral Remey.

And, as further information, I will say that for the past three

years the record shows about two ships in each year went to Algiers, in the Mississippi River, for repairs.

Mr. LOUDENSLAGER. Could not this all go out without any harm?

Admiral ENDICOTT. It ought not to; it is an important station.

Mr. MUDD. What is the purpose of this dredging—what is it needed for?

Admiral ENDICOTT. Filling the land up to the grade, and also to make a good depth of water in front.

Mr. MUDD. Isn't there just enough now along the front?

Admiral ENDICOTT. There is at the coal wharf.

Mr. LILLEY. Can you improve land cheaper than you can buy it?

Admiral ENDICOTT. We had the same land there, but it was too low.

Mr. MUDD. You have depth enough at the coal wharf. What other vessels will there be there?

Admiral ENDICOTT. There were numerous vessels there during the Spanish war, and they all laid out in the harbor, so the communication was by means of lighters and tugs.

The CHAIRMAN. Well, gentlemen, I don't know how you feel about this, but there is the commandant's quarters, the dispensary, the central heating plant, the grading and fencing, the marine railway, the foundry, and the steam engineering. Why not take it all out? It means a new navy-yard, in my judgment.

But, Mr. Chairman, there is now a navy-yard there, valued at nearly a million dollars, as we have seen.

Mr. LOUDENSLAGER. I second that motion.

Mr. RIXEY. How far is that from Pensacola?

Admiral ENDICOTT. It must be over 300 miles.

Mr. KITCHIN. Is this the closest place you have to Panama—the closest station?

Admiral ENDICOTT. On our own territory.

The Admiral was then asked by the gentleman from Louisiana [Mr. MEYER] the following:

Will there not be an estimate here very soon for a dry dock there?

To which the Admiral answered:

There might be some time in the future, but not in my time.

The Admiral did not here do himself justice. He did not for the moment consider just how young he is. He will, I am sure, live long enough to see a dry dock there and to supervise and control it for many years, as he does so ably those now in his charge.

I think the Government ought to have three or four first-class dry docks on the Gulf of Mexico. There is only one dock on the waters of the Gulf or on the waters tributary to it, and that is the one at New Orleans. There is not a dock at Pensacola to-day that will take anything over 10,000 tons—that is, a floating dry dock. I think when the dock at Charleston is completed there will not be anything south of that which will take any battle ship except the New Orleans dock. There is a long stretch of coast that has no facilities for docking a battle ship.

Now, Mr. Chairman, I might read further, but I will not take up the time of the committee to do so. Enough has been read to show the importance of Key West as a naval station. I will repeat that the items embraced in this amendment are those recommended by Admiral Endicott in his report and in these hearings. The committee cut them down, but in my judgment they acted unwisely, and this amendment should go through as it has been submitted to the House.

Mr. Chairman, we need all these facilities in time of peace, but still more in time of war. And wars we will have in the future, as in the past. I am not so optimistic as some gentlemen here. I know the world is growing better day by day, that we are continually reaching higher ground in civilization's upward march, but we are not yet nearing that point in the upward trend of progress where nations, learning war no more, will "beat their swords into plowshares and their spears into pruning hooks." There is yet a great deal of the "old Adam" in man.

Cupidity and greed are not yet strangers to the human character, and the lust of power and desire for territorial aggrandizement are still potent, if not pernicious, features in the national life; and until these can be curbed or satiated we can not reach that point in national development when nations will seriously and effectually agree that peaceful arbitration shall take the place of the arbitrament of the sword. Until then we must be prepared to meet aggression with defensive methods, hostile encroachment by other nations with battle ships and armed battalions. Hence the necessity, I fear, yet a while for a strong navy among other defensive measures.

By this I do not mean a navy as strong as Great Britain's, for we will probably never have her as an antagonist. She is more likely to be our ally in any great armed conflict. But in any event it will be necessary to have a naval establishment proportionate, at least, to a degree, in strength to those of the more powerful nations, if for no other purpose than that of keeping the peace and enforcing the edicts of an international board of arbitration, if the nations are to have one.

So, Mr. Chairman, as we are to possess a navy, we should do whatever is necessary to keep it up to that degree of efficiency demanded by the exigencies of our position among the nations of the earth. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida.

The question was taken; and the amendment was rejected.

Mr. SPARKMAN. Mr. Chairman, I would like permission to extend my remarks in the RECORD.

Mr. GREGG. Mr. Chairman, I would make the same request.

The CHAIRMAN. Is there objection to the requests of the gentlemen? [After a pause.] The Chair hears none.

The Clerk read as follows:

Navy-yard, Mare Island, Cal.: Railroad system, extension, $5,000; electric-plant system, extension, $5,000; improvement of channel in Mare Island Strait, to complete, $100,000; sewer system, extensions, $3,000; paving and grading, to continue, $5,000; heating system, extension, $5,000; improvements to building No. 165, $4,000; improvements and repairs, steam engineering, buildings, $15,000; bridge between buildings 45 and 65, $1,000; in all, navy-yard, Mare Island, $143,000.

Mr. KNOWLAND. Mr. Chairman, I move to strike out the last word. I will not detain the House but a moment. I wish to place in the RECORD letters from the War and Navy Departments, showing the success, up to this time, of the work now under way for the improvement of the channel leading to the Mare Island Navy-Yard. In view of the fact that a mistaken impression has prevailed in some quarters relative to the depth of water, my purpose in presenting these letters is to forever set at rest any such misapprehension. The facts are that the success of the project now being carried out, and which was proposed by the House Committee on Naval Affairs, is proving more successful even than anticipated.

These letters from the War and Navy Departments demonstrate beyond a question that the channel leading to the Mare Island Navy-Yard contains, at nearly every point, fully 30 feet of water at mean low tide, a depth sufficient to take any ship afloat.

The CHAIRMAN. The gentleman from California [Mr. KNOWLAND] asks unanimous consent to print in the RECORD, in connection with his remarks, letters bearing upon the situation at the navy-yard, Mare Island, Cal. Is there objection?

There was no objection.

The letters referred to are as follows:

WAR DEPARTMENT,
Washington, March 22, 1906.

DEAR SIR: Answering your letter of 5th instant, in which you ask to be advised as to the increase of depth in the channel to the Mare Island Navy-Yard, Cal., I beg to inform you that the local engineer officer, Colonel Heuer, to whom the matter was referred, reports under date of 13th instant, as follows:

"A channel, 30 feet deep at low tide and 300 bottom width, has been completed, by dredging, through San Pablo Bay, California. The depth prior to improvement was 19 feet at low water. The depth has therefore been increased by 11 feet.

"There is another channel in Mare Island Strait which is being improved under the direction of the Navy Department. Of the condition of the latter channel this office has no official information."

Very respectfully,

ROBERT SHAW OLIVER,
Assistant Secretary of War.

Hon. J. R. KNOWLAND,
House of Representatives.

NAVY DEPARTMENT,
Washington, May 2, 1906.

SIR: Replying to your letter of the 27th ultimo, requesting information as to the progress of work under the direction of the Navy Department on the channel in Mare Island Strait, I have the honor to inclose herewith, for your information, a copy of the latest report from the commandant, navy-yard, Mare Island, dated March 10, 1906, inclosing one from the civil engineer at that navy-yard, showing the results on the improvement of Mare Island Strait.

Very respectfully,

TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. J. R. KNOWLAND, M. C.,
House of Representatives, Washington, D. C.

COMMANDANT'S OFFICE,
Navy-Yard, Mare Island, Cal., March 9, 1906.

SIR: I have the honor to transmit herewith a copy of a report submitted by the civil engineer in regard to the improvement in Mare Island Strait.

The commandant, from a personal examination of the channel, was led to believe that there was an increase in the shallowest part of 4 feet since the improvement to the channel began. This belief is corroborated, as shown by the report of Civil Engineer Rousseau, above mentioned, although there is considerable work yet to be done in the strait before the improvements are fully completed.

I desire to express the opinion that since the channel has been cut across San Pablo flats, giving 30 feet of water at mean low tide, there is no reason why the battle ship *Oregon* should not come to the navy-yard to discharge her ammunition, in case that ship comes to San Francisco for such a purpose.

In this connection, I beg to congratulate the Navy Department upon the success which has followed the inauguration of the improvements to increase the depth of water in Mare Island Strait. * * *

Very respectfully,

B. H. MCCALLA,
Rear-Admiral, U. S. Navy,
Commandant Navy-Yard and Station.

The SECRETARY OF THE NAVY,
Washington, D. C.
(Through the Bureau of Navigation.)

The Clerk read as follows:

Navy-yard, Puget Sound, Washington: Sewer system, extensions, $3,000; to continue grading, $10,000; electric-light plant, extensions, $5,000; water system, extensions, $2,500; heating system, extensions,

$4,000; dredging, to continue, $10,000; roads and walks, extensions, $2,500; stone and concrete dry dock (to cost $1,250,000), $100,000; smithery for construction and repair, to complete, $4,000; in all, navy-yard, Puget Sound, Washington, $141,000.

Mr. JONES of Washington. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Washington [Mr. JONES] offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 17 strike out "ten" and insert "thirty."

Mr. JONES of Washington. Mr. Chairman, in connection with this amendment I simply want to say a few words in reference to the matter of dredging at this yard. I think rather inadvertently a wrong impression was conveyed in the hearings by the testimony of Admiral Endicott, although, if you read all of his testimony, it makes it perfectly plain. It seems that when questioned by the committee he stated that they would need at this yard for dredging the next few years something like a hundred thousand dollars, and other remarks were made which seemed to convey the impression to some of the members of the committee that a large sum of money would be required for dredging. My friend the gentleman from Pennsylvania [Mr. BUTLER] stated in the committee:

I am disappointed to learn of the enormous amount of dredging that is in prospect to enable us to get our ships up to the wharves there to handle them as we expect to handle them in a navy-yard. I was informed by a member of this committee that this was the most desirable place for a navy-yard in the United States on account of the great depth of water and the possibility of bringing the ship up close to the shore.

In answer to that Admiral Endicott made the proper statement:

That is true so far as getting the ship in there is concerned; it is a fine harbor, a fine channel; and the ships in the Navy could lie in there any day. But we must fill out or build piers out to this deep water, and that is true in all of the yards.

In another part of his testimony Admiral Endicott gives the impression they may have to dredge out quite a long distance from the shore in order to reach deep water. As a matter of fact, all of the dredging that has been necessary at Puget Sound Navy-Yard, and all the dredging that will be necessary at the yard in the future, is simply the dredging near the shore or along the wharves or piers in order to make proper docking facilities. Of course this would be expected at any location, I think, you would find anywhere in the country, and this is so stated by Admiral Endicott. I do not think that you can find any harbor where vessels can go right up to the shore and find dockage facilities made there by nature, and we have never claimed for the Puget Sound Navy-Yard that vessels can come up there and tie up to stumps or trees on the shore line. It is to the advantage of the yard that the deep water does not go up so close to the shore, because it would make the construction of wharves and the building of piers much more expensive than it is now. As a matter of fact, all of the dredging that ever has been or ever will be necessary at this yard is simply done for the purpose of deepening the channel along the wharves or piers and for berthing purposes.

By building these wharves and piers out a distance of four or five hundred feet you come to water 30 to 33 feet deep. If the water were as deep as that up to the shore line it would make the construction of the wharves and piers much more expensive. It seems to me it is really an advantage in the running of wharves out something like four or five hundred feet and getting 33 feet of water, and then dredge along the side of the wharf, and get plenty of berthing room and docking room for the vessel. Of course if you were to build the wharves and piers out to deep water, and then extend them in opposite directions, no dredging at all would be necessary. It is better, however, and cheaper to build the docks and piers out as far as is desired and then dredge alongside, making dockage facilities.

The amount of money expended in this way for dredging, as given by Admiral Endicott, is $40,000; and I have a letter from the Secretary of the Navy stating how this money has been expended—that is, the manner of and purpose of the dredging—and I desire to call the attention of the committee to these facts. The appropriations made were, $20,000 on March 4, 1898; $10,000, April 27, 1904, and $10,000, March 3, 1905. One thousand cubic yards of material were removed from the channel south and in the immediate vicinity of the masonry entrance to the dry dock. Work was commenced December 8, 1902, and finished December 13, 1902, at a total cost of $1,150.

That was an expenditure right at or near the mouth of the dock simply to make the entrance much more easy; and I want to call the attention of the committee to this fact, that when the dredging is done once at this yard it does not have to be done again. There is no filling up. There is no sediment carried in the waters of that harbor, and therefore no deposit after the channel is made.

Second, a berthing site for the United States receiving ship *Philadelphia*, 400 feet long and 100 feet wide, was dredged outside of the southerly end of wharf. Work was begun March 15 and completed March 21, 1904, at a total cost of $3,600.

Now, we do not claim that there are natural berthing sites there for vessels. Some little preparation has to be made here, as at any other yard.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JONES of Washington. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Washington. In connection with the contract for the construction of the coaling plant and wharf, an area on each side of the wharf, measuring 100 feet wide by 450 feet long, was dredged to a depth of 30 feet during December, 1902, and February, March, and April, 1903, at a cost of $11,000.

That shows that on completing the plant, the coal plant and wharf, a channel was dredged alongside, and this furnishes splendid facilities for coaling and unloading vessels.

Then, under a contract dated August 14, 1905, 61,196 cubic yards of material were dredged from the site of a new pier.

Now, that shows the character of dredging that is necessary at this yard and the character of dredging that will be necessary in the future. There is no dredging necessary for the channel; no trouble about bringing vessels into the yard. The greatest vessels that will ever be built can come to this yard under their own steam without any danger of grounding. What other yard in the country can be reached in this way? No dredging will be required for an anchorage basin. The navies of the world can lie at anchor there just as it is now. Simply for the purpose of comparison, I desire to call the attention of the committee to the report of the Navy Department showing the amount of money expended at the different navy-yards for dredging. At Boston, $115,000; at League Island, $855,000; Mare Island, $420,000; New York, $155,000; Norfolk, $45,000; Pensacola, $75,000; Port Royal, $256.000; Portsmouth, $774,000, and Puget Sound, $40,000.

I assume that this does not take into account anything expended under the river and harbor appropriations for the dredging out of channels in order that vessels may get up to the different yards, which in many cases has been very large. So that I take it, gentlemen, there is no site in the country better located in connection with deep water or with better channel approach or better anchorage basin than this navy-yard—in fact, I know of none that will compare with the navy-yard at Puget Sound in these respects. I am glad to see that the committee has incorporated in this bill a provision for a dry dock at this yard. It is certainly very much needed. I had the pleasure of calling the attention of the committee to this improvement when the last bill was being considered, and I am much pleased that the committee has so fully appreciated the great necessity of having an additional dock as to incorporate a provision for it in this bill. As Admiral Endicott says in his testimony, it is the only yard with a dock on the Pacific where a battle ship has ever been docked or could be docked up to the present time, and the necessity for a new and additional dock is very great.

The committee have cut the appropriation for dredging down from $30,000 to $10,000. I believe the committee has done the best it could do, and in view of the fact that no large improvements, aside from the dock, are provided for, I am inclined to think the sum provided for dredging is sufficient, and shall not press my amendment. Other improvements should be provided for. A floating crane is needed. A blacksmith shop for construction and repairs should be built. More piers are needed. These, with other improvements, were urged by Admiral Endicott and by us. The committee has not seen its way clear to make provision for these in this bill. It has provided for the most essential, the new dock, and I shall not further urge these additional appropriations at this time. The building up of this yard is not a local matter. It is of national concern, and as such I have no doubt the committee considered it in reaching its conclusions as to what should be done.

Mr. BUTLER of Pennsylvania. I only ask an opportunity to say a word. I am very sorry indeed that an explosion of mine should have invited the discussion that the gentleman has indulged in. I was surprised that any dredging was needed at this plant. Therefore I made the remark which he quoted. After the witness, the Chief of Yards and Docks, had made his explanation I was entirely satisfied. There is no place in the United States which offers the natural inducements for a navy-yard such as found at Bremerton, and I am greatly in its favor. I did not mean to complain, but praise.

Mr. JONES of Washington. I am certainly delighted to

think that my remarks should have called forth such an expression.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Washington will be withdrawn.

There was no objection.

The Clerk read as follows:

Navy-yard, Pensacola, Fla.: Water system, $5,000; sewer system, $10,000; conduits and conductors for distribution of power, $5,000; crib for wooden floating dry dock, $20,000; in all, navy-yard, Pensacola, $140,000.

Mr. FOSS. I move to strike out the words "one hundred and." It is a clerical error.

The Clerk read as follows:

Page 32, lines 3 and 4, strike out the words "one hundred and;" so that it will read "forty thousand."

Mr. FOSS. That is to correct the total.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Naval station, New Orleans, La.: Improvement of water front, $40,000; levee improvement and grading, $10,000; machinery and tools for yards and docks shop, $3,000; central electric light and power plant, to complete, $50,000; rebuilding cross wharf, $10,000; strengthening approaches to floating dock, $9,500; railroad system, $5,000; underground conduit system, $5,000; drainage system, $8,000; sawmill, boat shop, and storage for construction and repair, $60,000; toward the construction of street around naval station in lieu of Patterson street, $15,000; in all, navy-yard, New Orleans, $215,500.

Mr. FITZGERALD. Mr. Chairman, I move to strike out, commencing with the word "toward," in line 15, down to and including "dollars," in line 17.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 32, in lines 15, 16, and 17, strike out the words "toward the construction of street around naval station in lieu of Patterson street, $15,000."

Mr. FITZGERALD. Mr. Chairman, I desire to call the attention of the committee to the fact that this appropriation of $15,000 to construct a street around a naval station can not be found in the estimates submitted to Congress. I have carefully examined the testimony of the Chief of the Bureau of Yards and Docks, and I find no reference whatever to this item. In his testimony the Chief of the Bureau of Yards and Docks says that the entire plant at New Orleans is valued at $1,091,000, $815,000 of which is invested in a dry dock. It is proposed here to put a $15,000 street around a navy-yard valued at $1,091,000, $815,000 of which is invested in a dry dock; and if I be not mistaken, it is a floating dry dock.

This paragraph is very instructive to anyone who will analyze its provisions. The total estimates for improvements under the Bureau of Yards and Docks at the navy-yard at New Orleans submitted to Congress this year amounted to $270,000. The committee has allowed $215,000. The total estimates for improvements at the New York Navy-Yard this year amounted to $380,000; the committee allowed $128,000. Last year $82,000 was appropriated for improvements at the navy-yard at New York, $95,000 for the navy-yard at New Orleans. Let me call attention to the significance of these figures. In the construction department at New York last year the maximum number of men employed was 3,355, the minimum, 2,786. The average in this one bureau alone was 3,049. Now, what would the committee suppose was the number of men employed at New Orleans?

Mr. MEYER. Does the gentleman mean that he is dissatisfied with the appropriation made for the New York Navy-Yard?

Mr. FITZGERALD. Not at all. If I had been dissatisfied I should have offered amendments at that point; although my experience in the past convinced me that it is hopeless for me to offer amendments to obtain appropriations for improvements at that place. But that does not prevent me from letting the committee see one of the means by which money is squandered in this bill. I spoke of the number of men employed in one bureau at the navy-yard in New York. Let me state the figures with regard to the navy-yard at New Orleans. Only one bureau does any work there. That is the Bureau of Construction and Repair. The maximum number of men employed there last year was 110. The minimum number was 13. The average number, 39. And yet they submit here a recommendation for yard improvements to cost $215,000. More than that, minor repairs were made upon two vessels at that navy-yard. Let me contrast that with the navy-yard at New York, and I merely take the yard at New York because I am more familiar with what is done there. I am somewhat better acquainted with what is accomplished there than elsewhere. Five vessels are there under construction. Minor repairs were made upon forty-three, and what are called "important repairs," made on twenty-four vessels. These figures are not my own; they are taken from the official reports of the Navy Department. I understand that the navy-yard at New Orleans—if my information be not inaccurate—is from 15 to 40 feet below the levee. I am not sure of the exact figures. The probability is that some night the levee will break and everything invested there will be swept out into the Gulf.

Mr. Chairman, if I had an opportunity to determine how these other items might properly be cut down, I would offer amendments to reduce them. I respectfully submit that at least upon this showing the Committee on Naval Affairs will not ask this committee to appropriate $15,000 to build a street around this navy-yard, an item which is not found in the estimates submitted in the Book of Estimates, which was not mentioned by the Chief of the Bureau of Yards and Docks, so far as I can ascertain in his testimony, and which, in my judgment, is done not for the benefit of the navy-yard, but for the benefit of the city of New Orleans.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman's time may be extended for one minute. I want to ask him a question.

The CHAIRMAN. Without objection, it will be so extended.

Mr. TAWNEY. Can you or any member of the committee inform the Committee of the Whole as to whether or not the Government owns the land on which this street is to be constructed around the navy-yard?

Mr. FITZGERALD. I do not know.

Mr. FOSS. It is on navy-yard ground. I will say that we took a street which belongs to the city, that ran right straight through the navy-yard, in front of the dock; or, I will say, between the floating dock and the shops. We thought that it would be no more than fair to build a road around, inasmuch as we had taken the main street, the main artery of travel, away from the city.

Mr. FITZGERALD. In the city of New York, in the Borough of Brooklyn, the Government has a navy-yard consisting of more than 118 acres. It has the fee of the sidewalk, at least of the street, and in all of the years that it has had that it has never even put down a pavement upon the part of the street that is used for foot passengers; and if the committee is going to recommend the building of streets and putting down pavements, the least it might do is to commence at a place where some use can be made of such things.

Mr. FOSS. Mr. Chairman, I want to say a word. Of course, the committee provides for the navy-yards, and they need it. The New York Navy-Yard is the greatest yard in the United States, and in the years that are past we have spent in the neighborhood of $20,000,000——

Mr. FITZGERALD. Oh, no; the gentleman is mistaken; I have the figures here.

Mr. FOSS (continuing). That is a first-class yard, of course, and in good condition. There is no necessity of making large appropriations for it all the time. The yard at New Orleans is a new yard; it was authorized by Congress a few years ago, and we are putting it in shape where we can do more work than was done during the last fiscal year.

Mr. FITZGERALD. Will the gentleman state how much is expected to be spent there in order that it may do any appreciable amount of work?

Mr. FOSS. It is merely repair work.

Mr. FITZGERALD. It has been that since 1849.

Mr. FOSS. Oh, no; it's only during the last few years that we have got a small repair station there, and that is all we are going to have.

Mr. FITZGERALD. That is evident from the fact that the average number of men employed there was thirty-nine last year.

Mr. FOSS. That shows plainly that the yard is not in a condition to do work, and therefore it needs more appropriations.

Mr. MEYER. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD], who seems to have constituted himself censor, or we might even say the scold, of the House, in his statement shows that, while he may sometimes have good information, he much more frequently has misinformation, as is evidenced by his remarks in this case. He should know the cause why so little work has been done at the New Orleans station arises from the incompleteness of the establishment. The largest steel floating dock in this country is located there, available for the docking of vessels. The station being new, the machine shops, construction and repair shop, and other necessary tools are not ready to operate, and the appropriations herein proposed will contribute to their completion and the efficiency of the yard. The comparison which the gentleman makes between the New York Navy-Yard and that at New Orleans must strike one familiar with the situation as almost absurd and ridiculous. The New York yard is the largest in this country—we may say, a completed station. It has been fostered for many years, and the statement of the gentleman regarding the amount appro-

priated for it shows conclusively that it does not need much more than it has already. The New Orleans yard is still in embryo. Since I have been a member of the Naval Committee the New York yard has received ample appropriations yearly, and the complaint which the gentleman makes that he has found it useless to seek additional ones is, I am sure, entirely unfounded.

Now, as to the provision for the street at the New Orleans yard. The gentleman complains that he finds no estimate for it in the general estimates. That is true, because at the time the estimates were submitted, some time between October and November last, it was not known how much would be required. In fact, it was supposed that a very moderate sum would be needed for the purpose. The street, I will take occasion to say, is on Government property, within the bounds of the navy-yard. In evidence that it has received consideration by the Department, I send to the Clerk's desk a letter from the Secretary of the Navy on that subject.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, May 8, 1906.

SIR: Referring to your request for the views of this Department regarding the appropriation of $15,000 embraced in the pending naval appropriation bill toward the construction and improvement of the street or streets in lieu of Patterson street at the naval station in New Orleans, La., you are advised that in view of the proposed cession by the city of New Orleans of Patterson street on the river front of said station, and its importance and value to the station and value to the public, it is deemed proper and just that the public should have a good street or streets in place thereof as an outlet.

The city engineer of New Orleans, after a careful examination, estimates the cost thereof to be $38,995.43. It is the opinion of the Department, based upon a personal inspection by the Assistant Secretary of the Navy, that the work might be done efficiently, although not as well, for a less amount. The sum of $15,000 proposed to be appropriated appears reasonable, and the Department recommends that this amount be appropriated accordingly.

Very respectfully,
TRUMAN H. NEWBERRY,
Acting Secretary.

Hon. ADOLPH MEYER, M. C.,
Member Committee on Naval Affairs,
House of Representatives.

Mr. MEYER. In further explanation, Mr. Chairman, permit me to quote from a report made by the Committee on Naval Affairs of the House in the Fifty-eighth Congress (Report No. 4091), which is similar to the report made by Mr. HALE, of the Senate:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 18363) authorizing the Secretary of the Navy to construct a good drained road at the naval station, New Orleans, La., report the same favorably with the recommendation that it do pass.

The following letter in commendation thereof is adopted as the committee's report:

NAVY DEPARTMENT,
Washington, December 6, 1904.

SIR: The act making appropriations for the naval service for the fiscal year ending June 30, 1905 (32 Stats., 336), under the subheadings "Public works, Bureau of Docks and Yards, navy-yards and stations," etc., and "Naval station, New Orleans, La.," appropriates the sum of $2,000 for "closing Pattison [Patterson] street, Saux lane, and grading."

Patterson street runs along the water front of the Mississippi River between the United States naval station property, Algiers, La., and the levee. The maintenance of this street as a public highway being incompatible with the use of the station for naval purposes, the Department sought and has obtained a cession from the city authorities under which the street may be closed. In granting this cession, however, the city authorities have stipulated that a roadway be provided around the naval property, in order that a suitable thoroughfare for the accommodation of public traffic may be maintained.

This Department is advised by the Attorney-General that by the cession above mentioned the United States will obtain a valid title to the portions of the bed of Patterson street now lying between the naval reservation and the river "upon the performance of the conditions" set forth in the city ordinances making the cession.

Secretary of the Navy Charles J. Bonaparte, in a letter of April 3 last, also recommends the construction of this street on the lines indicated.

Patterson street runs along the water front of the Mississippi River, as has been stated, and the land is very valuable. The Government receives far more than it grants—in fact, it grants nothing at all, since the new street is within the boundaries of its station.

The gentleman from New York reflects upon the committee's manner of doing business. Nearly every one of them has equal regard for the interests of the Government and far wider experience than he. It ill becomes him to indulge in such criticism.

As to his comments on the value and condition of the New Orleans Station, that its location is 40 feet below the level of the water, and so on, I will in charity attribute it to his effort to be funny or sarcastic; in either case, a most lamentable failure.

I commend him to the history of the legislation for its establishment. If he reads it, he will issue from it "a wiser, if not a better man."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 9, noes 45.

So the amendment was rejected.

The Clerk read as follows:

Steel floating dry dock: Steel floating dry dock (to cost $1,250,000), $100,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that paragraph.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of Union, reported that that committee had had under consideration the naval appropriation bill and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 13946. An act for the relief of Charles L. Allen;

H. J. Res. 134. Joint resolution authorizing the construction and maintenance of wharves, piers, and other structures in Lake Michigan, adjoining certain lands in Lake County, Ind.;

H. R. 18204. An act to authorize the Northampton and Halifax Bridge Company to construct a bridge across Roanoke River at or near Weldon, N. C.; and

H. R. 15095. An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5498. An act granting additional lands from the Fort Douglas Military Reservation to the University of Utah;

S. 5796. An act to authorize the construction of a bridge across the Missouri River and to establish it as a post-road;

S. 4976. An act to grant certain land to the State of Minnesota to be used for the construction of a sanitarium for the treatment of consumptives; and

S. 2296. An act restoring to the public domain certain lands in the State of Minnesota.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.—to the Committee on Interstate and Foreign Commerce.

S. R. 54. Joint resolution authorizing a change in the weighing of the mails in the fourth section—to the Committee on the Post-Office and Post-Roads.

JOHN W. HAMMOND.

The SPEAKER laid before the House the following message from the President of the United States; which, with the accompanying document, was ordered printed, and referred to the Committee on Invalid Pensions:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of May 9, 1906, I return herewith House bill No. 8948, entitled "An act granting an increase of pension to John W. Hammond."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 10, 1906.*

REPRINT OF BILL.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 11943, the supply of which has been exhausted.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WILLIAMS. I object.

Mr. BENNET of New York. Mr. Speaker, I move that the reprint of the bill be granted.

The SPEAKER. The Chair will state to the gentleman from New York that in the judgment of the Chair a bill can be reprinted only by unanimous consent or by interposition and on report of the Committee on Printing. The Chair does not say it can be done in that way, but it possibly can.

LEAVE OF ABSENCE.

The SPEAKER laid before the House the request of Mr. BOWERSOCK for a leave of absence for ten days on account of important business.

Mr. PAYNE. Mr. Speaker, I move that the request be granted.

The motion was agreed to.

ADJOURNMENT.

Then (at 5 o'clock and 15 minutes p. m.), on motion of Mr. Foss, the House adjourned until to-morrow at 12 o'clock m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of Commerce and Labor, transmitting the report of Charles M. Pepper on trade conditions in the island of Cuba—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for payment of certain claims for rent of houses in the Philippines—to the Committee on Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the brig *Rebecca*, John B. Thurston, master—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. POWERS, from the Committee on the Territories, to which was referred the bill of the House (H. R. 13392) to ratify, approve, and confirm an act of the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii, reported the same with amendment, accompanied by a report (No. 4001); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 4597) granting an increase of pension to Martin Ellison, reported the same with amendment, accompanied by a report (No. 3937); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 6533) granting a pension to Horace Salter, reported the same with amendment, accompanied by a report (No. 3938); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 11855) granting an increase of pension to Mary A. Shelly, reported the same with amendment, accompanied by a report (No. 3939); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 12330) granting an increase of pension to Hester A. Van Derslice, reported the same without amendment, accompanied by a report (No. 3940); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 16272) granting an increase of pension to William D. Willis, reported the same with amendment, accompanied by a report (No. 3941); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16525) granting an increase of pension to M. A. Nash, reported the same with amendment, accompanied by a report (No. 3942); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17825) granting an increase of pension to Bolivar Ward, reported the same with amendment, accompanied by a report (No. 3943); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17891) granting an increase of pension to Eliza M. Buice, reported the same with amendment, accompanied by a report (No. 3945); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17920) granting an increase of pension to Sallie E. Blanding, reported the same with amendment, accompanied by a report (No. 3945); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17935) granting an increase of pension to Andrew C. Woodward, reported the same with amendment, accompanied by a report (No. 3946); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17940) granting a pension to Florence Tilton, reported the same with amendment, accompanied by a report (No. 3947); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18034) granting a pension to Mary A. Montgomery, reported the same with amendment, accompanied by a report (No. 3948); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18073) granting an increase of pension to Mary McFarlane, reported the same with amendment, accompanied by a report (No. 3949); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18106) granting an increase of pension to Mary E. Patterson, reported the same with amendment, accompanied by a report (No. 3950); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18262) granting an increase of pension to John H. Broadway, reported the same with amendment, accompanied by a report (No. 3951); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18378) granting an increase of pension to Martha A. Dunlap, reported the same with amendment, accompanied by a report (No. 3952); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18399) granting an increase of pension to Pauline Bietry, reported the same without amendment, accompanied by a report (No. 3953); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18400) granting an increase of pension to Elmira M. Gause, reported the same with amendment, accompanied by a report (No. 3954); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18402) granting an increase of pension to Lucy W. Powell, reported the same without amendment, accompanied by a report (No. 3955); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18426) granting a pension to Elizabeth Hathaway, reported the same with amendment, accompanied by a report (No. 3956); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18460) granting a pension to B. F. Tudor, reported the same with amendment, accompanied by a report (No. 3957); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18467) granting a pension to Rudolph W. H. Swendt, reported the same with amendment, accompanied by a report (No. 3958); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18469) granting a pension to Samuel C. Dean, reported the same with amendment, accompanied by a report (No. 3959); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18505) granting an increase of pension to M. Belle May, reported the same with amendment, accompanied by a report (No. 3960); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18510) granting an in-

crease of pension to Hugh R. Rutledge, reported the same with amendment, accompanied by a report (No. 3961); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18539) granting an increase of pension to Angeline R. Lomax, reported the same with amendment, accompanied by a report (No. 3962); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18542) granting an increase of pension to Sarah Ann Day, reported the same with amendment, accompanied by a report (No. 3963); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18551) granting an increase of pension to W. D. Drawn, reported the same with amendment, accompanied by a report (No. 3964); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18572) granting an increase of pension to Allamanza M. Harrison, reported the same with amendment, accompanied by a report (No. 3965); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18573) granting an increase of pension to John M. Quinton, reported the same with amendment, accompanied by a report (No. 3966); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18605) granting an increase of pension to William Lawrence, reported the same with amendment, accompanied by a report (No. 3967); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18627) granting an increase of pension to Elizabeth A. Anderson, reported the same with amendment, accompanied by a report (No. 3968); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18633) granting an increase of pension to Jennie F. Belding, reported the same without amendment, accompanied by a report (No. 3969); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18651) granting an increase of pension to Elizabeth Thomas, reported the same with amendment, accompanied by a report (No. 3970); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18654) granting an increase of pension to R. D. Gardner, reported the same with amendment, accompanied by a report (No. 3971); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18696) granting an increase of pension to Louisa C. Gibson, reported the same with amendment, accompanied by a report (No. 3972); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18697) granting an increase of pension to Martha L. Beasely, reported the same with amendment, accompanied by a report (No. 3973); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18730) granting an increase of pension to W. C. Mahaffey, reported the same with amendment, accompanied by a report (No. 3974); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18746) granting an increase of pension to Isaac Howard, reported the same without amendment, accompanied by a report (No. 3975); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18747) granting an increase of pension to W. H. Colegate, reported the same with amendment, accompanied by a report (No. 3976); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18794) granting an increase of pension to William C. McRay, reported the same with amendment, accompanied by a report (No. 3977); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18795) granting an increase of pension to James E. Raney, reported the same with amendment, accompanied by a report (No. 3978); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18821) granting an increase of pension to Eliza Jane Witherspoon, reported the same with amendment, accompanied by a report (No. 3979); which said bill and report were referred to the Private Calendar.

Mr. AMES, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18822) granting an increase of pension to Sophia S. Parker, reported the same with amendment, accompanied by a report (No. 3980); which said bill and report were referred to the Private Calendar.

Mr. HOGG, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18862) granting an increase of pension to Joseph H. Weaver, reported the same with amendment, accompanied by a report (No. 3981); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18887) granting an increase of pension to Alexander W. Carruth, reported the same with amendment, accompanied by a report (No. 3982); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18930) granting an increase of pension to Eliza J. Mays, reported the same with amendment, accompanied by a report (No. 3983); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18935) granting an increase of pension to Mima A. Boswell, reported the same with amendment, accompanied by a report (No. 3984); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 18966) granting a pension to John W. Ward, reported the same without amendment, accompanied by a report (No. 3985); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19001) granting an increase of pension to Elizabeth A. McKay, reported the same with amendment, accompanied by a report (No. 3986); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 1223) granting a pension to Mary E. Bronaugh, reported the same without amendment, accompanied by a report (No. 3987); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1739) granting a pension to Henry Sistrunk, reported the same with amendment, accompanied by a report (No. 3988); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2194) granting a pension to William H. Sweeney, jr., reported the same without amendment, accompanied by a report (No. 3989); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3738) granting an increase of pension to Lisania Judd, reported the same without amendment, accompanied by a report (No. 3990); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4488) granting an increase of pension to James F. Amis, reported the same without amendment, accompanied by a report (No. 3991); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5349) granting an increase of pension to William H. H. Robinson, reported the same without amendment, accompanied by a report (No. 3992); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5536) granting a pension to William O. Clark, reported the same without amendment, accompanied by a report (No. 3993); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5659) granting an increase of pension to William I. Brewer, reported the same without amendment, accompanied by a report (No. 3994); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 5070) granting an increase of pension to Isaac L. Duggar, reported the same with amendment, accompanied by a report (No. 3995); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18910) granting an increase of pension to Philo E. Davis, reported the same without amendment, accompanied by a report (No. 3996); which said bill and report were referred to the Private Calendar.

Mr. TALBOTT, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 14811) to authorize George T. Houston and Frank B. Houston to construct and operate an electric railway over the national cemetery road at Vicksburg, Miss., reported the same with amendment, accompanied by a report (No. 3997); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 8772) to amend the military record of James C. Howard, reported the same adversely, accompanied by a report (No. 3998); which said bill and report were ordered laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 13944) to amend the military record of Capt. Samuel W. Baird, reported the same adversely, accompanied by a report (No. 3999); which said bill and report were ordered laid on the table.

Mr. WILEY of Alabama, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9102) for the relief of Ephraim Hunter, reported the same adversely, accompanied by a report (No. 4000); which said bill and report were ordered laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEVIN: A bill (H. R. 19148) to remove the limitation of the time for filing claims for additional bounty under act of July 28, 1866, as amended—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 19149) granting pensions to certain soldiers and sailors who served in the war of the rebellion, and their widows—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 19150) to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes—to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 19151) to appropriate $70,000 to pay a claim due the State of Minnesota—to the Committee on Appropriations.

By Mr. MONDELL: A bill (H. R. 19152) limiting declarations under the desert-land act to surveyed lands and limiting assignments of desert entries to qualified individual entrymen—to the Committee on the Public Lands.

By Mr. HILL of Connecticut: A bill (H. R. 19153) to amend section 29 of the act of July 24, 1897, entitled "An act to provide revenue for the Government and to encourage the industries of the United States"—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: A bill (H. R. 19154) to amend section 653 of the Code of Law for the District of Columbia, relative to assessment life insurance companies or associations—to the Committee on the Judiciary.

By Mr. DAVIDSON: A bill (H. R. 19155) to amend section 3738 of the Revised Statutes of the United States for 1878—to the Committee on Labor.

By Mr. STEPHENS of Texas: A bill (H. R. 19156) providing for the development and leasing of the mineral lands in Indian reservations, and for other purposes—to the Committee on Indian Affairs.

By Mr. MANN: A joint resolution (H. J. Res. 153) directing the Interstate Commerce Commission to investigate and report on block signals and appliances for the automatic control of railway trains—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDERHEAD: A joint resolution (H. J. Res. 154) relating to certain public lands in the State of Kansas—to the Committee on the Public Lands.

By Mr. REYNOLDS: A resolution (H. Res. 433) to pay D. P. Thomas a certain sum of money—to the Committee on Accounts.

By Mr. WOODYARD: A resolution (H. Res. 434) to pay James Lotterberry, janitor of House document room, a certain sum of money—to the Committee on Accounts.

By Mr. MONDELL: A resolution (H. Res. 435) authorizing the appointment of a clerk to the Committee on Irrigation of Arid Lands—to the Committee on Accounts.

By Mr. GOLDFOGLE: A resolution (H. Res. 436) providing for an examination so far as the Department of Justice is concerned, and all the matters cognizable by the Committee on Expenditures in the Department of Justice under the rules of the House of Representatives—to the Committee on Rules.

By Mr. LACEY: A resolution (H. Res. 437) providing for the appointment of a clerk to the Committee on the Public Lands—to the Committee on Accounts.

By Mr. MOON of Pennsylvania: A resolution (H. Res. 438) providing for the consideration of the bill H. R. 17984—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 19157) granting a pension to Sallie S. Ridmarsh—to the Committee on Invalid Pensions.

By Mr. BEIDLER: A bill (H. R. 19158) granting an increase of pension to John E. Hunter—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: A bill (H. R. 19159) to permit the payment to T. J. Larkin, as administrator, of the pension money due Eugene Finnegan—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 19160) granting an increase of pension to Mathew Macklem—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 19161) granting a pension to Marcus D. Tenney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19162) granting a pension to Charles Van Tine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19163) granting an increase of pension to Margaret Munson—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 19164) for the relief of the estate of David B. Landis, deceased, and the estate of Jacob F. Sheaffer, deceased—to the Committee on Claims.

By Mr. CURRIER: A bill (H. R. 19165) restoring to the pension roll the name of Eliza E. Davis—to the Committee on Invalid Pensions.

By Mr. DAVEY of Louisiana: A bill (H. R. 19166) granting an increase of pension to Blanche B. Badger—to the Committee on Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 19167) granting a pension to Rhoda C. Fore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19168) authorizing the President of the United States to confer rank upon Maj. Joseph W. Wham, United States Army, retired—to the Committee on Military Affairs.

By Mr. DIXON of Indiana: A bill (H. R. 19169) granting a pension to Rebecca J. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19170) granting a pension to John William Tungate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19171) granting a pension to Esther Ames—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 19172) to correct the military record of Pleasant Thomas, late of Company B, East Tennessee National Guards—to the Committee on Military Affairs.

By Mr. FOSTER of Indiana: A bill (H. R. 19173) to correct the military record of Henry Hayes—to the Committee on Military Affairs.

By Mr. FINLEY: A bill (H. R. 19174) granting an increase of pension to Martha A. Billings—to the Committee on Pensions.

By Mr. HERMANN: A bill (H. R. 19175) granting an increase of pension to Josiah B. Arnott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19176) granting an increase of pension to Clara M. Burlingame—to the Committee on Invalid Pensions.

By Mr. JOHNSON: A bill (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr—to the Committee on Pensions.

By Mr. JONES of Virginia (by request): A bill (H. R. 19178) to direct the Secretary of War to convey to the Broad-

water Club the Hog Island light station, old site—to the Committee on Interstate and Foreign Commerce.

By Mr. KELIHER: A bill (H. R. 19179) granting an increase of pension to Eliza A. Smith—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 19180) granting a pension to Angeline Whitmarsh—to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19181) to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes—to the Committee on Military Affairs.

By Mr. LAMB: A bill (H. R. 19182) to refund legacy taxes illegally collected from the estate of Ella P. Williams, late of Richmond, Henrico County, Va.—to the Committee on Claims.

By Mr. McGUIRE: A bill (H. R. 19183) for the relief of William D. Larkey—to the Committee on Military Affairs.

Also, a bill (H. R. 19184) for the relief of L. J. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 19185) granting a pension to James M. Neal—to the Committee on Pensions.

Also, a bill (H. R. 19186) granting a pension to David Canfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19187) granting a pension to Elizabeth Alice Gayner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19188) granting a pension to Andrew J. Holland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19189) granting a pension to Henry Bergdorf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19190) granting a pension to Henry Gabel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19191) granting an increase of pension to Joshua T. Wolf—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19192) granting an increase of pension to John Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19193) granting an increase of pension to William H. Skeed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19194) granting an increase of pension to James McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19195) granting an increase of pension to Wellshire S. Hawley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19196) granting an increase of pension to Thomas Cameron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19197) granting an increase of pension to Frank Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19198) granting an increase of pension to Samuel Emrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19199) granting an increase of pension to L. N. Kennedey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19200) granting an increase of pension to Thomas E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19201) granting an increase of pension to Joseph W. Kelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19202) granting an increase of pension to George F. Downs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19203) granting an increase of pension to John B. Ellett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19204) granting an increase of pension to Daniel Eichling—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19205) granting an increase of pension to John Sonia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19206) granting an increase of pension to Mary V. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19207) granting an increase of pension to Milo G. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19208) granting an increase of pension to Elija Pendegras—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 19209) granting an increase of pension to Joshua P. Rand—to the Committee on Invalid Pensions.

By Mr. NEVIN: A bill (H. R. 19210) granting a pension to John Tayhen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19211) granting a pension to Elias M. Steinbarger—to the Committee on Pensions.

Also, a bill (H. R. 19212) granting a pension to James Quilkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19213) to remove the charge of desertion from the record of George Sloughman—to the Committee on Military Affairs.

By Mr. OLMSTED: A bill (H. R. 19214) granting an increase of pension to John McCarty—to the Committee on Invalid Pensions.

By Mr. OTJEN: A bill (H. R. 19215) granting an increase of pension to John Lengenfelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19216) granting an increase of pension to Theophile Brodowski—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19217) granting an increase of pension to William H. Burns—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 19218) granting an increase of pension to Carrie Trotter—to the Committee on Pensions.

By Mr. REID: A bill (H. R. 19219) for the relief of Amasa and Edgar Bernard and the legal representatives of the estate of Susan E. White—to the Committee on War Claims.

By Mr. RIVES: A bill (H. R. 19220) granting an increase of pension to Calvin Corsine—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 19221) granting an increase of pension to Emma Byles—to the Committee on Invalid Pensions.

By Mr. RODENBERG: A bill (H. R. 19222) granting an increase of pension to Catherine Warnock—to the Committee on Pensions.

By Mr. SCHNEEBELI: A bill (H. R. 19223) granting an increase of pension to Obadiah Derr—to the Committee on Invalid Pensions.

By Mr. SHARTEL: A bill (H. R. 19224) granting an increase of pension to James L. Perryman—to the Committee on Pensions.

By Mr. SOUTHARD: A bill (H. R. 19225) granting an increase of pension to Joseph B. Jennings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19226) granting an increase of pension to Henry G. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19227) granting an increase of pension to Nancy Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19228) granting an increase of pension to V. W. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19229) to correct the military record of James W. Pinkerton—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 19230) granting an increase of pension to Cornelius L. Leport—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 19231) granting an increase of pension to Frederick Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 19232) granting an increase of pension to Samuel Workman—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19114) to extend the provisions, limitations, and benefits of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," to the surviving officers and enlisted men of the Eighteenth and Nineteenth Regiments of Kansas Volunteer Cavalry; and the same was referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURTON of Delaware: Paper to accompany bill for relief of Matthew McKlein—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: Petition of Concordia Council, No. 36, against consolidation of third and fourth class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. CURRIER: Petition of citizens of New Hampshire, against bill S. 529 (the ship-subsidy bill)—to the Committee on the Merchant Marine and Fisheries.

Also, petition of citizens of Swanzey, N. H., for investigation of conditions existing in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. FINLEY: Paper to accompany bill for relief of Martha A. Billings—to the Committee on Pensions.

By Mr. FOSTER of Indiana: Petition of Crescent City Council, No. 18, United Commercial Travelers of America, of Evansville, Ind., against the parcels-post bill—to the Committee on the Post-Office and Post-Roads.

By Mr. FOWLER: Petition of Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Westminster Presbyterian Church, of Elizabeth; F. G. Green, of Cranford; the Methodist Episcopal Church of Madison; the First Presbyterian Church of Madison; Drew Theological Seminary, and the Men's Club of the Presby-

terian Church of Westfield, all in New Jersey, for an anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petitions of Colonial Council, No. 169, of Belvidere, N. J., and Elizabeth Council, No. 10, of Elizabeth, N. J., Daughters of Liberty, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. FULKERSON: Petition of the Andrew County Enterprise, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HULL: Petition of the Nevada Business Men's League, against the so-called "post-check currency bill"—to the Committee on the Post-Office and Post-Roads.

By Mr. KELIHER: Petition of the maritime committee of the Boston Chamber of Commerce, asking for the passage of bill S. 2262, to construct a derelict destroyer—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Alliance Israelite Universelle and the Federation of Jewish Organizations, protesting against the passage of the Dillingham bill—to the Committee on Immigration and Naturalization.

Also, petition of the Society for Political Study, of New York City, asking for consideration of bills S. 50 and 2962 and H. R. 4462—to the Committee on the District of Columbia.

By Mr. JOHNSON: Paper to accompany bill for relief of Elizabeth Kerr—to the Committee on Pensions.

By Mr. LINDSAY: Petition of E. A. Russell et al., for the Calder bill in behalf of employees of the navy-yards of the United States who have lost either an arm or leg through no carelessness of their own, while on duty—to the Committee on Naval Affairs.

Also, paper to accompany bill for relief of State of Missouri (bill S. 567)—to the Committee on War Claims.

By Mr. OLMSTED: Petition of the Board of Trade of Harrisburg, Pa., for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Carrie Trotter—to the Committee on Pensions.

Also, papers to accompany bills for relief of estate of W. J. Peeples, estate of Samuel R. Ihly, estate of Pierson Peeples, estate of Julia R. Speaks, estate of William Weekly, estate of Reuben Turner, and estate of Elizabeth Youmans—to the Committee on War Claims.

By Mr. REYNOLDS: Petition of the Free Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Henry Fash—to the Committee on Invalid Pensions.

Also, petition of the Inquirer Printing Company, for an amendment to the postal laws making legal all subscriptions paid for by others than the recipients of papers—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON of Alabama: Petition of Richard Garner, heir of Thomas Williams—to the Committee on War Claims.

By Mr. RIXEY: Paper to accompany bill for relief of William H. Byles—to the Committee on Invalid Pensions.

By Mr. SCHNEEBELI: Petition of Camp Hawkins Home, No. 1, Society of the Army of the Philippines, for the Bonynge bill to provide medals for officers and men serving in the Spanish war for service in the Philippine war after expiration of term of enlistment—to the Committee on Military Affairs.

Also, petitions of Charles F. Bushnell and J. W. Maley, for an amendment to the postal laws making legal all subscriptions paid for by others than the recipients of papers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Charles H. Bennett, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Maryland: Petition of Washington Camps, Nos. 13, of Church Hill; 29, of Sudlerville, and 48, of Chestertown, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petitions of the Showell Packing Company; the Mumford Packing Company, of Showell; Gilliss & Dashiell, of Quantico; H. W. Roberts, of Clara; Carver & Co., of Morumsco; J. W. Willing, of Nanticoke, and the Denton Canning Company, of Denton, all in the State of Maryland, praying the enactment of the pure-food bill with an amendment to exempt canned goods from being stamped in terms of weight or measure—to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Pennsylvania: Petition of the Woman's Christian Temperance Union and the Presbyterian Church of Freeport, Pa., for an amendment to the Constitution abolishing polygamy—to the Committee on the Judiciary.

Also, petition of John W. Rohrer, for amendment to the postal law making legitimate all subscriptions paid for by others than the recipient—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Hugh Guthrie, James D. Knight, J. R. Dilley, and J. W. Green, for the Dalzell bill granting relief of $2 per day to all ex-Union prisoners of war in rebel prisons for longer period than thirty days—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: Petition of William McKinley Council, No. 125, Junior Order United American Mechanics, of Lockport, N. Y., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WEBB: Paper to accompany bill for relief of William R. Watts—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary Ann Cody—to the Committee on Pensions.

By Mr. WEEKS: Petition for relief of the landless Indians of northern California and of southern California, from citizens of Massachusetts—to the Committee on Indian Affairs.

By Mr. WOOD of New Jersey: Petitions of Camp No. 29, of Merchantsville; Camp No. 25, of Delanco; Camp No. 82, of Whitesville; Camp No. 5, of Dover; Camp No. 16, of Jutland; Camp No. 87, of Lakehurst; Camp No. 23, of Palmyra; Camp No. 11, of Sterling; Camp No. 67, of Jersey City; Camp No. 41, of Plainfield; Camp No. 2, of Camden; Camp No. 62, of Woodbury; Camp No. 14, of Trenton; Camp No. 68, of Cassville; Camp No. 9, of Belvidere; Camp No. 58, of Alloway; Camp No. 12, of Milford; Camp No. 19, of Danville; Camp No. 86, of Smithburg; Camp No. 57, of Newfield; Camp No. 52, of Stockholm; Camp No. 30, of Plainfield, and Camp No. 42, of Netcong, all in New Jersey, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the editor of the Daily True American and Carpenter & Son, publishers of the Clinton Democrat, for an amendment to the postal laws making legitimate all subscriptions paid for by others than the recipients of papers—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *May 11, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

CARRYING OF DANGEROUS ARTICLES ON PASSENGER STEAMERS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

Senate bill No. 5514 is returned herewith without approval, for the reasons set forth in the following report from the Secretary of Commerce and Labor:

"I have the honor to return herewith the bill (S. 5514) an act to amend section 4472 of the Revised Statutes relating to the carrying of dangerous articles on passenger steamers, and to state, in reply to the request contained in the letter of May 5, 1906, that the Department objects to the approval of the bill for the following reasons:

"The word 'passenger' in the bill should be 'passengers.' It passed the Senate 'passengers' and the House of Representatives 'passenger.' The mistake was not detected and the bill was enrolled and signed by the Speaker of the House and the President of the Senate with the word 'passenger.' In the opinion of the Department the circumstances of the passage of the bill are sufficient to raise doubt as to its validity and question as to its application."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *May 10, 1906.*

Mr. FRYE. I move that the message be referred to the Committee on Commerce and printed.

The motion was agreed to.

Mr. FRYE. The Committee on Commerce was informed of the mistake made in enrolling the bill or in the House, and it authorized me to report this morning and ask present consideration of the following bill. It is important that it shall be passed immediately, owing to the fact that there are no yachts nowadays that do not carry launches propelled by naphtha or some like power, and the yachting season is about commencing. The ruling of the inspector-general in New York would deprive them of the privilege of using those launches. I report from the Committee on Commerce a bill to correct that mistake, which I ask may be now considered.

The bill (S. 6129) to amend section 4472 of the Revised Statutes of the United States relating to the carrying of dan-